



# Southwest Ranches Town Council

## REGULAR MEETING Agenda of August 27, 2015

**Amended**

Southwest Ranches Council Chambers  
7:00 PM THURSDAY

13400 Griffin Road  
Southwest Ranches, FL 33330

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<u><b>Mayor</b></u> Jeff Nelson	<u><b>Town Council</b></u> Steve Breitzkreuz Gary Jablonski Doug McKay	<u><b>Town Administrator</b></u> Andrew D. Berns	<u><b>Town Attorney</b></u> Keith M. Poliakoff, J.D.
<u><b>Vice-Mayor</b></u> Freddy Fisikelli		<u><b>Town Financial Administrator</b></u> Martin Sherwood, CPA CGFO	<u><b>Assistant Town Administrator/Town Clerk</b></u> Russell C. Muñiz, MMC

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In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Presentation – Mission United, Carlos Molinet**

### Quasi-Judicial Hearings

Please be advised that the following item on the Council agenda is quasi-judicial in nature. All witnesses who will testify on any item in this portion of the Agenda will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Council shall not assign un-sworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material or argument will be allowed unless the Council chooses to request additional testimony. The members of the Town Council will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in court. The material in the Town Council agenda will be considered as evidence without authentication.

Anyone representing an organization must present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears during a public hearing shall identify himself or herself and give their address, and if appearing on behalf of an organization state the name and mailing address of the organization. The Council may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place.

No notice shall be required if a hearing is continued to a fixed date, time and place. Any Applicant shall have the right to request and be granted one continuance; however, all subsequent continuance shall be granted at the discretion of the Council and only upon good cause shown.

- 4. Delegation Request - Consideration of Delegation Request Application No. DE-19-15 to amend or eliminate various conditions of approval of the Tara Plat, as recorded in Plat Book 162, Page 20 of the Broward County, Florida Public Records. The requested amendments include modification of the non-vehicular access lines, and deletion of requirements to pave a portion of SW 184th Avenue, construct turn lanes, construct sidewalks, provide financial surety for a traffic signal, and related requirements. Akai Estates, LLC, owner; Schwebke-Shiskin & Associates, Inc., petitioner. Property generally located at the southwest corner of Griffin Road and unimproved 184th Avenue.**

### **5. Public Comment**

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.

- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

**6. Board Reports**

**7. Council Member Comments**

**8. Legal Comments**

**9. Administration Comments**

**10. Ordinance – 2<sup>nd</sup> Reading** - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 24, ARTICLE IV, ENTITLED "PARKING, STOPPING, AND STANDING ENFORCEMENT" TO COMPLY WITH CURRENT STATE LAWS, INCLUDING THOSE APPLICABLE TO PARKING SPACES FOR DISABLED PERSONS AND TO CREATE PROCEDURES SO AS TO DELEGATE AUTHORITY FOR ENFORCEMENT AND COLLECTION OF PARKING VIOLATION FINES TO THE OFFICE OF THE BROWARD COUNTY, FLORIDA, CLERK OF THE COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT; AUTHORIZING THE USE OF HEARING OFFICERS IN THE SYSTEM ESTABLISHED BY BROWARD COUNTY FOR SUCH PURPOSE; PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **{Approved on 1<sup>st</sup> Reading August 13, 2015}**

**11. Ordinance – 1<sup>st</sup> Reading** - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO REFLECT CHANGES IN THE FLORIDA STATUTES GOVERNING MUNICIPAL REGULATION OF FARMS; AMENDING ARTICLE 155 ENTITLED, "NONCOMMERCIAL FARM SPECIAL EXCEPTIONS", TO MODIFY CONDITIONS APPLICABLE TO SUCH SPECIAL EXCEPTIONS AND TO THE CONTINUED USE OF EXISTING NONRESIDENTIAL, AGRICULTURAL STRUCTURES ON NONCOMMERCIAL FARMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. **{2<sup>nd</sup> Reading scheduled for September 15, 2015}**

**12. Resolution –** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE OFFICE OF THE BROWARD COUNTY, FLORIDA, CLERK OF THE COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT FOR THE PROCESSING AND COLLECTION OF PARKING CITATIONS AND AUTHORIZING THE USE OF HEARING OFFICERS IN THE SYSTEM ESTABLISHED BY BROWARD COUNTY FOR SUCH PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**13. Approval of Minutes**

**a. July 23, 2015, Regular Town Council Meeting**

**14. Resolution** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT OF PURCHASE AND SALE OF LAND FROM FLORIDA POWER AND LIGHT COMPANY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PUBLIC RIGHT-OF-WAY; APPROVING THE GRANTING OF AN ELECTRICAL UTILITY EASEMENT TO FLORIDA POWER AND LIGHT COMPANY OVER THE LAND; APPROVING A RIGHT OF WAY CONSENT AGREEMENT; APPROVING AN UNANTICIPATED EXPENDITURE NOT TO EXCEED \$12,756.60; APPROVING A FY 2014/2015 BUDGETARY APPROPRIATION FROM THE GENERAL FUND AND TRANSPORTATION FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

**15. Adjournment**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall  
(954) 434-1490 Fax

**Town Council**  
**Jeff Nelson, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitkreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Doug McKay, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muñiz, Assistant Town Administrator**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## COUNCIL MEMORANDUM

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Jeff Katims, AICP, CNU-A  
Assistant Town Planner

**DATE:** August 27, 2015

**SUBJECT:** **Delegation request to amend Tara Plat access and conditions of approval**

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### **Recommendation**

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with conditions, such as the conditions recommended in the staff report.

### **Strategic Priorities**

This item supports the following strategic priority as identified in the Town's adopted strategic plan.

- A. Sound Governance

### **Background**

The developer proposes to provide access to the Plat from Griffin Road instead of S.W. 184<sup>th</sup> Avenue, as currently configured. In order to accomplish this, the Town Council and Broward County Commission must approve an amendment to the Non-Vehicular Access line. The developer also seeks approval to eliminate several conditions of plat approval, most of which pertain to the bonding for, and construction S.W. 184<sup>th</sup> Avenue and associated improvements.

**Fiscal Impact/Analysis**

No fiscal impact.

**Staff Contact:**

Jeff Katims

## **TOWN OF SOUTHWEST RANCHES TOWN COUNCIL AGENDA REPORT**

August 27, 2015 Council Meeting

**SUBJECT:** Delegation Request Application DE-019-15; Tara Plat

**LOCATION:** Generally located on at the southwest corner of Griffin Road and unimproved SW 184<sup>th</sup> Avenue

**OWNER:** Akai Estates LLC  
333 Las Olas Way, CU #1  
Fort Lauderdale, FL 33301

**PETITIONER:** Schwebke-Shisken & Associates, Inc.  
3240 Corporate Way  
Miramar, FL 33025

**LAND USE PLAN  
DESIGNATION:** RR—Rural Ranches, 1 DU/2 ac net or 2.5 ac gross.

**ZONING:** A-1—Agricultural

**PUBLIC NOTICE:** Ad in the *Sun Sentinel* newspaper

**EXHIBITS:** Aerial photograph, plat, sketch of non-vehicular access line to be dedicated, sketch of non-vehicular access line to be vacated, petitioner's request letter, and Lobbyist Registration and Ethics Form

### **BACKGROUND**

The subject site contains approximately 36.13 acres located south of Griffin Road and immediately west of unimproved SW 184<sup>th</sup> Avenue. The Tara Plat was recorded on January 15, 1997. The plat is designated RR, Rural Ranch on the land use map and A-1 on the zoning map, both of which allow residential development at one unit per two net acres, or two and one-half gross acres. The Town approved the Downey Ranches Site Plan for this property in 2005, however the approval expired.

The plat was designed to be accessed from SW 184<sup>th</sup> Avenue. The current developer, Akai Estates, LLC, coordinated with the Town Engineer and Broward County Highway Construction and Engineering Department to work out the alignment of SW 184<sup>th</sup> Avenue south of Griffin Road with Bonaventure Boulevard north of Griffin Road. The proper alignment requires acquisition of property from R & R Garden nursery, located

opposite SW 184<sup>th</sup> Avenue from the subject plat. The nursery was unwilling to dedicate the needed land, thereby preventing construction of SW 184<sup>th</sup> Avenue into the plat, and preventing access to the plat via SW 184<sup>th</sup> Avenue.

The developer is now proposing to gain access to the plat from Griffin Road in lieu of SW 184<sup>th</sup> Avenue, and requests approval of several modifications to the plat and to the conditions of plat approval to facilitate access to Griffin Road, and to eliminate requirements that are associated with accessing SW 184<sup>th</sup> Avenue. The requested modifications are attached as Exhibit “C” to this report, and can be generally summarized as follows:

- 1) Amend the Non-Vehicular Access Line (NVAL) to allow access to and from Griffin Road (right turns in and out only) and to close the shared driveway openings for Lots 1 through 4 on SW 184<sup>th</sup> Avenue. It is noted that future access to SW 184<sup>th</sup> Avenue is preserved, but not required for public road access to all lots within the plat.
- 2) Eliminate the bonding and construction requirements for SW 184<sup>th</sup> Avenue, and turn lanes and possible traffic signalization associated with SW 184<sup>th</sup> Avenue.
- 3) Eliminate county conditions of plat approval that were based upon the plat’s location in the unincorporated area, and which are no longer applicable. These conditions include, for example, construction of sidewalks.

Exhibit “A” is the aerial photograph of the plat

Exhibit “B” is a copy of the plat

Exhibit “C” is the petitioner’s request letter, which catalogues the requested changes to the NVAL and conditions of plat approval in technical detail.

Exhibit “D” is a drawing showing the existing openings in the Non-Vehicular Access Line (NVAL) along SW 184<sup>th</sup> Avenue

Exhibit “E” is a drawing showing a new Non-Vehicular Access Line across the SW 184<sup>th</sup> Avenue openings, and an new opening along Griffin Road that would allow right turns in and out only

### **RECOMMENDATION**

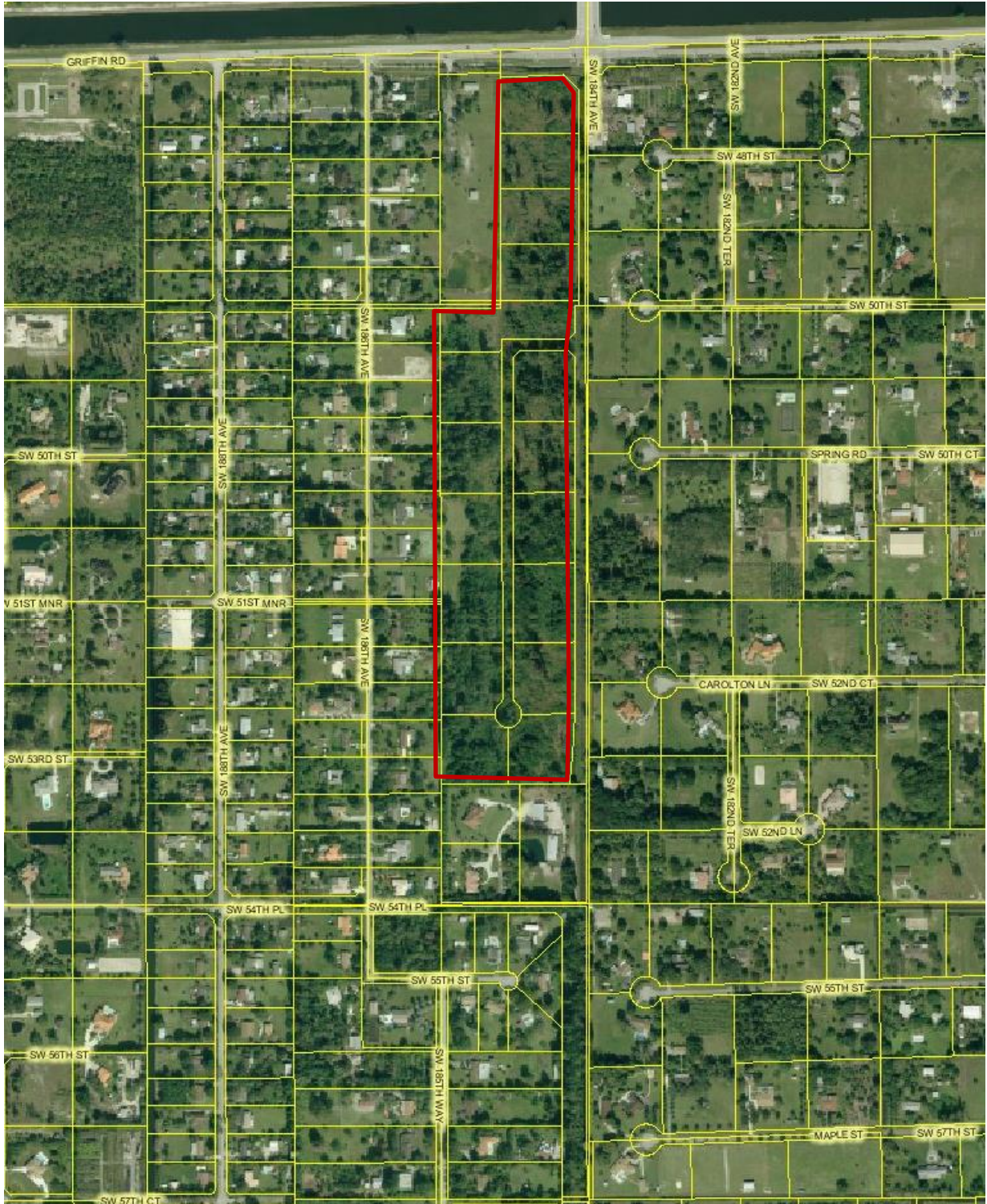
1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could choose to approve this item finding that the petitioner has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item with conditions such as:

- a) Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this site plan, including, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

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EXHIBIT "A"  
Site Location Map  
Application No. DE-19-15



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# TARA

SHEET 1 OF 4

A REPLAT OF A PORTION OF TRACTS 42 & 64 OF SECTION 22, TOWNSHIP 30 SOUTH, RANGE 30 EAST, AND ALL OF TRACTS 1, 16, 17, TOGETHER WITH A PORTION OF TRACT 32 OF SECTION 36, TOWNSHIP 30 SOUTH, RANGE 30 EAST, IN THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SAID SECTIONS, (P.B. 1, PG 63 DADA) BROWARD COUNTY, FLORIDA

ASSOCIATED ENGINEERS AND SURVEYORS, INC.

545 SOUTH 90 AVENUE, SUITE 200, FORT LAUDERDALE, FLORIDA 33304  
TELEPHONE 366-1999 / FAX 366-2882  
PROJECT NO. 92-199

## BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY THAT THE BROWARD COUNTY PLANNING COUNCIL, APPROVED THIS PLAT SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PLAT SHALL BE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, WITHIN 90 DAYS OF THE DATE OF THIS ORDER.

2. THE PLAT SHALL BE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, WITHIN 90 DAYS OF THE DATE OF THIS ORDER.

3. THE PLAT SHALL BE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, WITHIN 90 DAYS OF THE DATE OF THIS ORDER.

## BROWARD COUNTY DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

DIRECTOR DATE

## BROWARD COUNTY ENGINEERING DIVISION

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

DIRECTOR DATE

## SOUTH BROWARD PLANNING DISTRICT

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

DIRECTOR DATE

## BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DIVISION-RECORDS SECTION

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

DIRECTOR DATE

## BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DIVISION-RECORDS SECTION

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DIRECTOR DATE

## BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DIVISION-RECORDS SECTION

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DIRECTOR DATE

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THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

DIRECTOR DATE

## SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed Surveyor of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land described in the foregoing plat.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office at Fort Lauderdale, Florida, this 1st day of November, 1992.

DATE

SURVEYOR

STATE OF FLORIDA

ASSOCIATED ENGINEERS AND SURVEYORS, INC.

REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR

NO. 12345

DATE

STATE OF FLORIDA

ASSOCIATED ENGINEERS AND SURVEYORS, INC.

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REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR

NO. 12345

DATE

STATE OF FLORIDA

## LEGAL DESCRIPTION

A certain portion of the land described in the foregoing plat, to-wit: a portion of Tracts 42 and 64 of Section 22, Township 30 South, Range 30 East, and all of Tracts 1, 16, 17, together with a portion of Tract 32 of Section 36, Township 30 South, Range 30 East, in the Everglades Land Company's subdivision of said sections, (P.B. 1, PG 63 DADA) Broward County, Florida.

TO HAVE AND TO HOLD the above described land unto the heirs, assigns and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office at Fort Lauderdale, Florida, this 1st day of November, 1992.

DATE

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ASSOCIATED ENGINEERS AND SURVEYORS, INC.

REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR

NO. 12345

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REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR

NO. 12345

97-024207

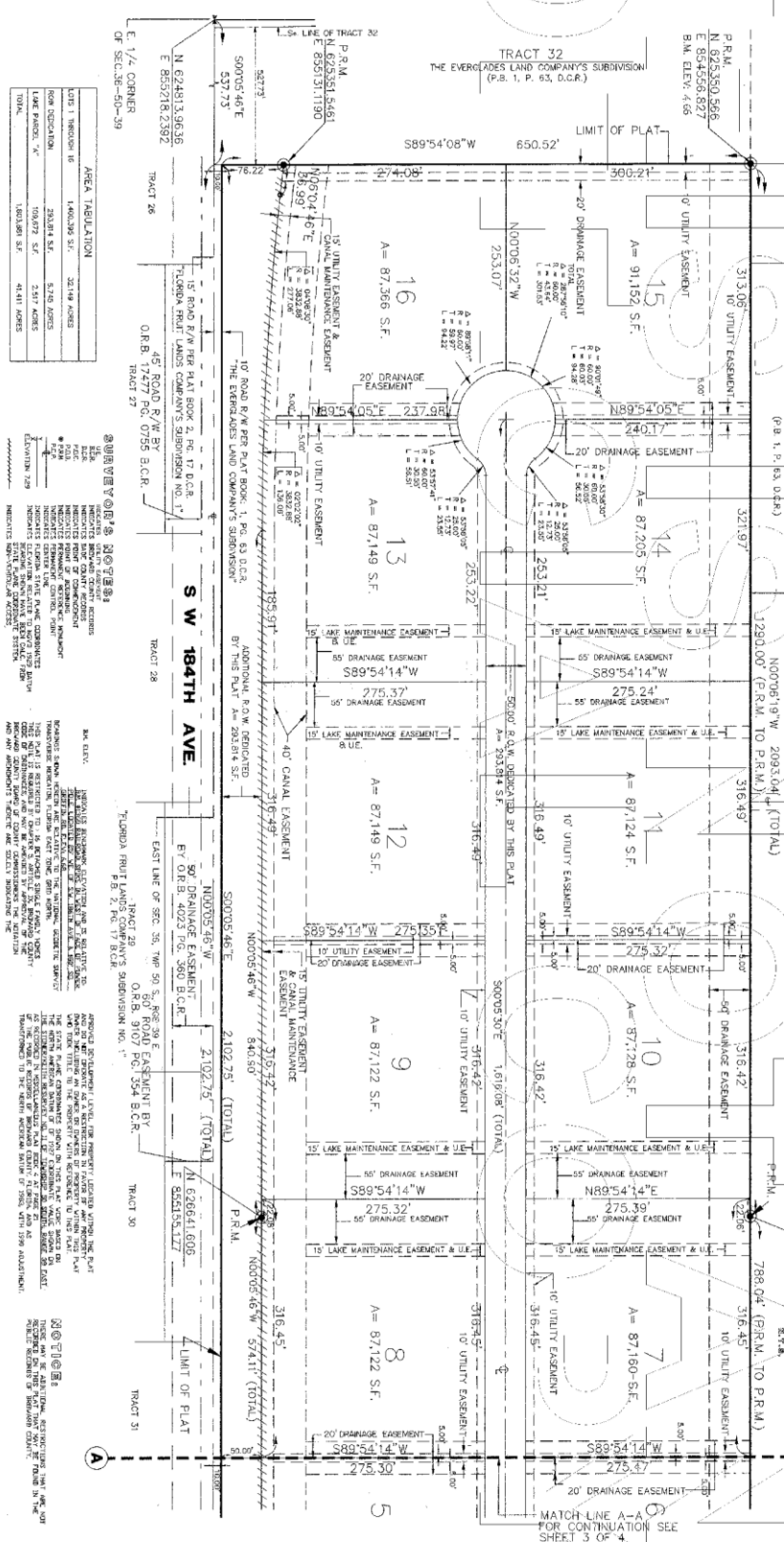
P. B. 162, P. B. 20  
SHEET 2 OF 4

A REPLAT OF A PORTION OF TRACTS 49 & 64 OF SECTION 25, TOWNSHIP 30 SOUTH, RANGE 39 EAST AND ALL OF TRACTS 1, 16, 17, TOGETHER WITH A PORTION OF TRACT 32 OF SECTION 36, TOWNSHIP 30 SOUTH, RANGE 39 EAST, IN THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SAID SECTIONS, (P.B. 1, PG 63 DADE) BROWARD COUNTY, FLORIDA

**ASSOCIATED ENGINEERS AND SURVEYORS, INC.**

5450 GRIFFIN RD. DAVIE, FLORIDA 33314 TEL (305) 584-6969 FAX (305) 584-2866  
PROJECT NO. 93-199 DATE: NOVEMBER 1993  
20-00W

TEL: (305) 584-6969 FAX: (305) 584-2866  
DATE: NOVEMBER 1993



AREA TABULATION		
LOTS 1 THROUGH 16	1,400.395 S.F.	32.149 ACRES
NON-DEDICATION	293,814 S.F.	6.740 ACRES
LAKE PARCEL "A"	109,972 S.F.	2.517 ACRES
TOTAL	1,804,381 S.F.	41.411 ACRES

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**NOTICE:**  
THERE MAY BE ALLEGED RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF BERKSHIRE COUNTY.

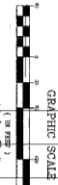
# TARA

SHEET 3 OF 4

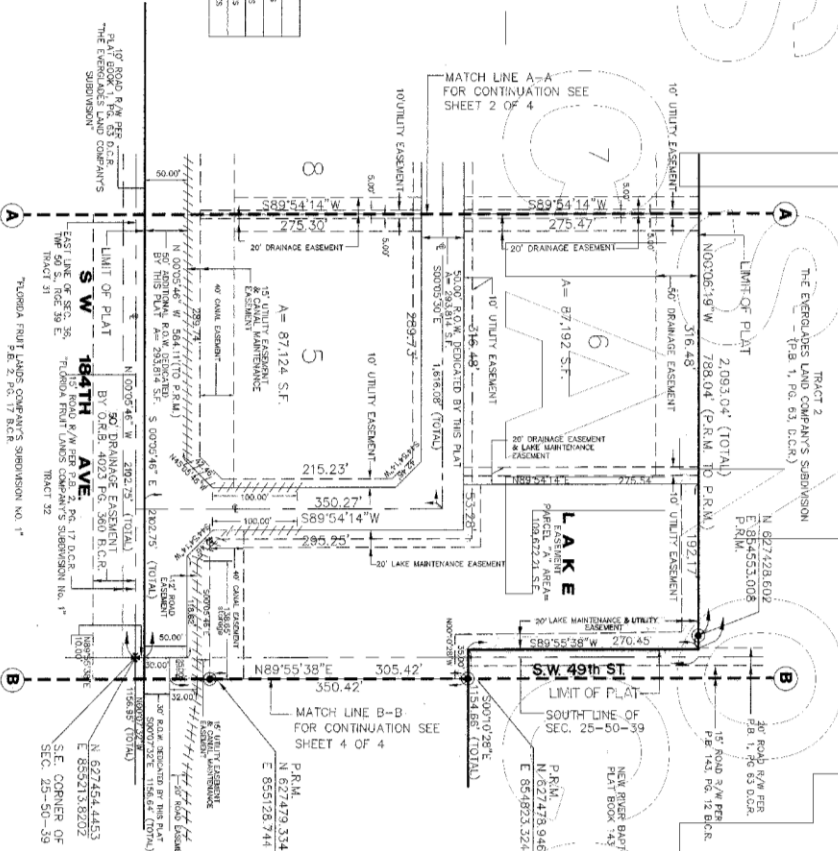
A REPLAT OF A PORTION OF TRACTS 42 & 64 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 30 EAST, AND ALL OF TRACTS 1, 16, 17, TOGETHER WITH A PORTION OF TRACT 32 OF SECTION 36, TOWNSHIP 50 SOUTH, RANGE 30 EAST, IN THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SAID SECTIONS, (P.B. 1, PG. 63 DADE) BROWARD COUNTY, FLORIDA

ASSOCIATED ENGINEERS AND SURVEYORS, INC.

CONSULTING ENGINEER, LAND PLANNING, LAND SURVEYING  
5400 GULF BLVD., SUITE 200, FORT LAUDERDALE, FLORIDA 33309  
TEL: (954) 584-0200 FAX: (954) 584-0862  
PROJECT NO. 93-159 DATE: NOVEMBER 1993



AREA TABULATION	
LOT 1 THROUGH 16	1,600,296 S.F.
LOT 17 THROUGH 32	2,019,408 S.F.
LOT 33 THROUGH 48	2,019,408 S.F.
LOT 49 THROUGH 64	2,019,408 S.F.
LOT 65 THROUGH 80	2,019,408 S.F.
LOT 81 THROUGH 96	2,019,408 S.F.
LOT 97 THROUGH 112	2,019,408 S.F.
LOT 113 THROUGH 128	2,019,408 S.F.
LOT 129 THROUGH 144	2,019,408 S.F.
LOT 145 THROUGH 160	2,019,408 S.F.
LOT 161 THROUGH 176	2,019,408 S.F.
LOT 177 THROUGH 192	2,019,408 S.F.
LOT 193 THROUGH 208	2,019,408 S.F.
LOT 209 THROUGH 224	2,019,408 S.F.
LOT 225 THROUGH 240	2,019,408 S.F.
LOT 241 THROUGH 256	2,019,408 S.F.
LOT 257 THROUGH 272	2,019,408 S.F.
LOT 273 THROUGH 288	2,019,408 S.F.
LOT 289 THROUGH 304	2,019,408 S.F.
LOT 305 THROUGH 320	2,019,408 S.F.
LOT 321 THROUGH 336	2,019,408 S.F.
LOT 337 THROUGH 352	2,019,408 S.F.
LOT 353 THROUGH 368	2,019,408 S.F.
LOT 369 THROUGH 384	2,019,408 S.F.
LOT 385 THROUGH 400	2,019,408 S.F.
LOT 401 THROUGH 416	2,019,408 S.F.
LOT 417 THROUGH 432	2,019,408 S.F.
LOT 433 THROUGH 448	2,019,408 S.F.
LOT 449 THROUGH 464	2,019,408 S.F.
LOT 465 THROUGH 480	2,019,408 S.F.
LOT 481 THROUGH 496	2,019,408 S.F.
LOT 497 THROUGH 512	2,019,408 S.F.
LOT 513 THROUGH 528	2,019,408 S.F.
LOT 529 THROUGH 544	2,019,408 S.F.
LOT 545 THROUGH 560	2,019,408 S.F.
LOT 561 THROUGH 576	2,019,408 S.F.
LOT 577 THROUGH 592	2,019,408 S.F.
LOT 593 THROUGH 608	2,019,408 S.F.
LOT 609 THROUGH 624	2,019,408 S.F.
LOT 625 THROUGH 640	2,019,408 S.F.
LOT 641 THROUGH 656	2,019,408 S.F.
LOT 657 THROUGH 672	2,019,408 S.F.
LOT 673 THROUGH 688	2,019,408 S.F.
LOT 689 THROUGH 704	2,019,408 S.F.
LOT 705 THROUGH 720	2,019,408 S.F.
LOT 721 THROUGH 736	2,019,408 S.F.
LOT 737 THROUGH 752	2,019,408 S.F.
LOT 753 THROUGH 768	2,019,408 S.F.
LOT 769 THROUGH 784	2,019,408 S.F.
LOT 785 THROUGH 800	2,019,408 S.F.
LOT 801 THROUGH 816	2,019,408 S.F.
LOT 817 THROUGH 832	2,019,408 S.F.
LOT 833 THROUGH 848	2,019,408 S.F.
LOT 849 THROUGH 864	2,019,408 S.F.
LOT 865 THROUGH 880	2,019,408 S.F.
LOT 881 THROUGH 896	2,019,408 S.F.
LOT 897 THROUGH 912	2,019,408 S.F.
LOT 913 THROUGH 928	2,019,408 S.F.
LOT 929 THROUGH 944	2,019,408 S.F.
LOT 945 THROUGH 960	2,019,408 S.F.
LOT 961 THROUGH 976	2,019,408 S.F.
LOT 977 THROUGH 992	2,019,408 S.F.
LOT 993 THROUGH 1008	2,019,408 S.F.
LOT 1009 THROUGH 1024	2,019,408 S.F.
LOT 1025 THROUGH 1040	2,019,408 S.F.
LOT 1041 THROUGH 1056	2,019,408 S.F.
LOT 1057 THROUGH 1072	2,019,408 S.F.
LOT 1073 THROUGH 1088	2,019,408 S.F.
LOT 1089 THROUGH 1104	2,019,408 S.F.
LOT 1105 THROUGH 1120	2,019,408 S.F.
LOT 1121 THROUGH 1136	2,019,408 S.F.
LOT 1137 THROUGH 1152	2,019,408 S.F.
LOT 1153 THROUGH 1168	2,019,408 S.F.
LOT 1169 THROUGH 1184	2,019,408 S.F.
LOT 1185 THROUGH 1200	2,019,408 S.F.
LOT 1201 THROUGH 1216	2,019,408 S.F.
LOT 1217 THROUGH 1232	2,019,408 S.F.
LOT 1233 THROUGH 1248	2,019,408 S.F.
LOT 1249 THROUGH 1264	2,019,408 S.F.
LOT 1265 THROUGH 1280	2,019,408 S.F.
LOT 1281 THROUGH 1296	2,019,408 S.F.
LOT 1297 THROUGH 1312	2,019,408 S.F.
LOT 1313 THROUGH 1328	2,019,408 S.F.
LOT 1329 THROUGH 1344	2,019,408 S.F.
LOT 1345 THROUGH 1360	2,019,408 S.F.
LOT 1361 THROUGH 1376	2,019,408 S.F.
LOT 1377 THROUGH 1392	2,019,408 S.F.
LOT 1393 THROUGH 1408	2,019,408 S.F.
LOT 1409 THROUGH 1424	2,019,408 S.F.
LOT 1425 THROUGH 1440	2,019,408 S.F.
LOT 1441 THROUGH 1456	2,019,408 S.F.
LOT 1457 THROUGH 1472	2,019,408 S.F.
LOT 1473 THROUGH 1488	2,019,408 S.F.
LOT 1489 THROUGH 1504	2,019,408 S.F.
LOT 1505 THROUGH 1520	2,019,408 S.F.
LOT 1521 THROUGH 1536	2,019,408 S.F.
LOT 1537 THROUGH 1552	2,019,408 S.F.
LOT 1553 THROUGH 1568	2,019,408 S.F.
LOT 1569 THROUGH 1584	2,019,408 S.F.
LOT 1585 THROUGH 1600	2,019,408 S.F.
LOT 1601 THROUGH 1616	2,019,408 S.F.
LOT 1617 THROUGH 1632	2,019,408 S.F.
LOT 1633 THROUGH 1648	2,019,408 S.F.
LOT 1649 THROUGH 1664	2,019,408 S.F.
LOT 1665 THROUGH 1680	2,019,408 S.F.
LOT 1681 THROUGH 1696	2,019,408 S.F.
LOT 1697 THROUGH 1712	2,019,408 S.F.
LOT 1713 THROUGH 1728	2,019,408 S.F.
LOT 1729 THROUGH 1744	2,019,408 S.F.
LOT 1745 THROUGH 1760	2,019,408 S.F.
LOT 1761 THROUGH 1776	2,019,408 S.F.
LOT 1777 THROUGH 1792	2,019,408 S.F.
LOT 1793 THROUGH 1808	2,019,408 S.F.
LOT 1809 THROUGH 1824	2,019,408 S.F.
LOT 1825 THROUGH 1840	2,019,408 S.F.
LOT 1841 THROUGH 1856	2,019,408 S.F.
LOT 1857 THROUGH 1872	2,019,408 S.F.
LOT 1873 THROUGH 1888	2,019,408 S.F.
LOT 1889 THROUGH 1904	2,019,408 S.F.
LOT 1905 THROUGH 1920	2,019,408 S.F.
LOT 1921 THROUGH 1936	2,019,408 S.F.
LOT 1937 THROUGH 1952	2,019,408 S.F.
LOT 1953 THROUGH 1968	2,019,408 S.F.
LOT 1969 THROUGH 1984	2,019,408 S.F.
LOT 1985 THROUGH 2000	2,019,408 S.F.



## SHEET 4 OF 4

PREPARED BY

**ASSOCIATED ENGINEERS AND SURVEYORS, INC.**

5450 GRIFFIN RD. DAVIE, FLORIDA 33314 TEL. (305) 584-6969 FAX (305) 584-2966  
CONSULTING ENGINEERS, LAND PLANNERS, LAND SURVEYORS

PROJECT NO. 93-159

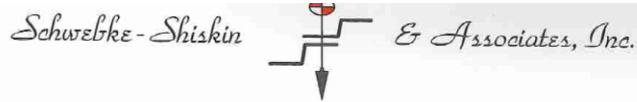
DATE: NOVEMBER 1993



# EXHIBIT "C"

## Petitioner's Delegation Request

### Application No. DE-19-15



Principals  
Hernando J. Navas, P.E.  
Mark S. Johnson, P.S.M.

Of Council  
Alfonso C. Tello, P.E., P.S.M.

Civil Engineers - Land Planners - Surveyors  
3240 Corporate Way • Miramar, Florida 33025  
Phone: (954) 435-7010 • Fax: (954) 438-3288

Luis F. Leon, P.E.  
Alberto A. Mora, P.E.  
John C. Tello, P.E.  
Michael D. Gonzalez, P.E.  
Ronald A. Fritz, P.S.M.  
Jose G. Hernandez, P.S.M.  
Michael J. Alley, P.S.M.  
Emilio E. Lufrio, P.S.M.

**April 22, 2015**

**Jeff Katims, AICP, CNU-A**

The Mellgren Planning Group  
3350 NW 53<sup>rd</sup> Street, Suite 101  
Fort Lauderdale, FL 33309

*Re: Delegation Request for TARA Plat, Plat Book 162, Page 60*

Dear Mr. Katims,

This application is requesting the Town of Southwest Ranches to approve the following changes to the TARA Plat Development Review Report.

- 1) Modification to the NVAL line along Griffin Road per the attached sketch and legal description to allow for a Right in, Right out condition at the westerly portion of the property.
- 2) Modification to the NVAL line along the Right-of-Way of N.W. 184<sup>th</sup> Avenue per the attached sketch and legal description to remove two accesses to N.W. 184<sup>th</sup> Avenue, Staff Comment Number 2, Sections A & B and Staff Comment number 10 in the Development Review Report.
- 3) Remove Staff Comment 15 in the Development Review Report, stating provide 28 feet of pavement on Southwest 184 Avenue from the nearest paved access to a point sufficiently south of the unnamed east/west roadway to encompass the transition for the northbound left turn lane at the roadway.
- 4) Remove Staff Comment 16 in the Development Review Report, stating the piping or possible relocation of the existing canal necessary for the construction of Southwest 184 Avenue.
- 5) Remove Staff Comment 17 in the Development Review Report, stating an eastbound right turn lane on Griffin Road at Southwest 184 Avenue with 300 feet of storage\* and 150 feet of transition.
- 6) Remove Staff Comment 18 in the Development Review Report, stating a northbound left turn lane on Southwest 184 Avenue at Griffin Road with 300 feet of storage# and 200 feet of transition.
- 7) Remove Staff Comment 19 in the Development Review Report, stating a southbound right turn lane on Southwest 184 Avenue at the unnamed roadway with 150 feet of storage\* and 100 feet of transition.
- 8) Remove Staff Comment 20 in the Development Review Report, stating a northbound left turn lane on Southwest 184 Avenue at the unnamed roadway with 200 feet of storage# and 100 feet of transition.

- 9) Remove Staff Comment 24 in the Development Review Report, stating sidewalk requirement along Griffin Road adjacent to this plat.
- 10) Remove Staff Comment 25 in the Development Review Report, stating sidewalk requirement along Southwest 184 Avenue adjacent to this plat.
- 11) Remove Staff Comment 26 in the Development Review Report, stating Bond or letter of credit to extend up to two (2) years after completion of the total developmetn. During that itme the Traffic Engineering Division will perform the required sturdies to determine the need for signalization. If no need is determined, the developer may be released from the obligation.
  - A) 25 percent of the installation cost of a traffic signal at the intersection of Griffin Road and southwest 184<sup>th</sup> Avenue in the amount of \$12,500.00.
- 12) Remove Staff Comment 27 sub-section (a) in the Development Review Report, stating a Pavement Marking and Signing Plan, three copies, including cost estimate shall be provided to the Traffic Engineering Division. All pavement markings shall be thermoplastic. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. No Bonds shall be released without field inspection and final approval by the Division of all materials, installations and locations.
- 13) Remove Staff Comment 28 in the Development Review Report, stating provide fire protection facilities pursuant to the Broward County Land Development Code as required by the Broward County Fire Marshal and as described in the attached comments from the Broward County Fire Marshal's Office. Plans for fire protection must be submitted to the Fire Marshal's Office and secured before plat recordation. Bond for 9 fire hydrants in the amount of \$28,800.00 (\$3,200.00 each). See Staff Comment No. 20.

Attached please find email correspondents from Mr. David Huizenga confirming the above request.

Should you have any questions during your review or if you required additional information, please do not hesitate to contact me.

Sincerely,

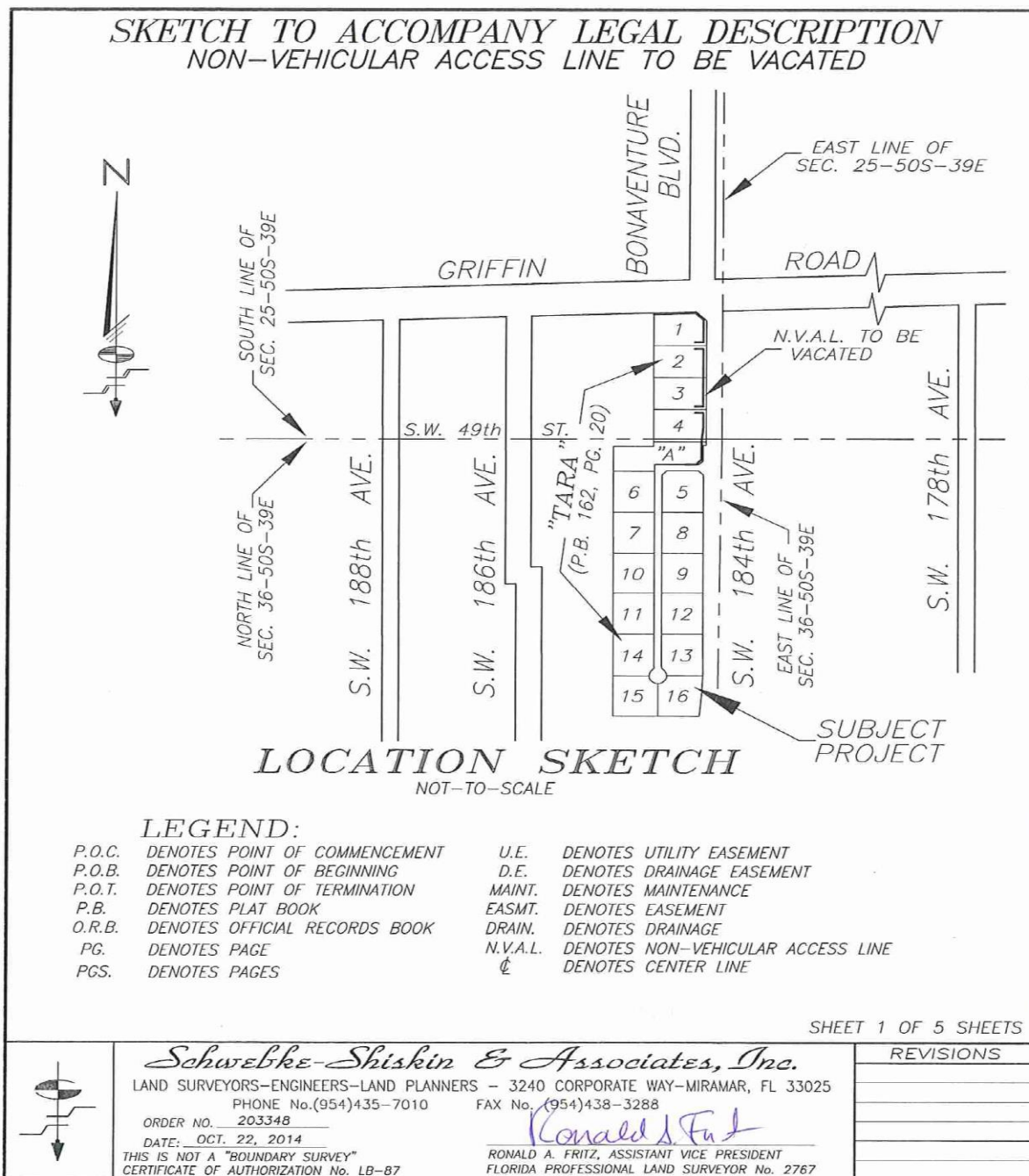
*Schwabke-Shiskin & Associates, Inc.*



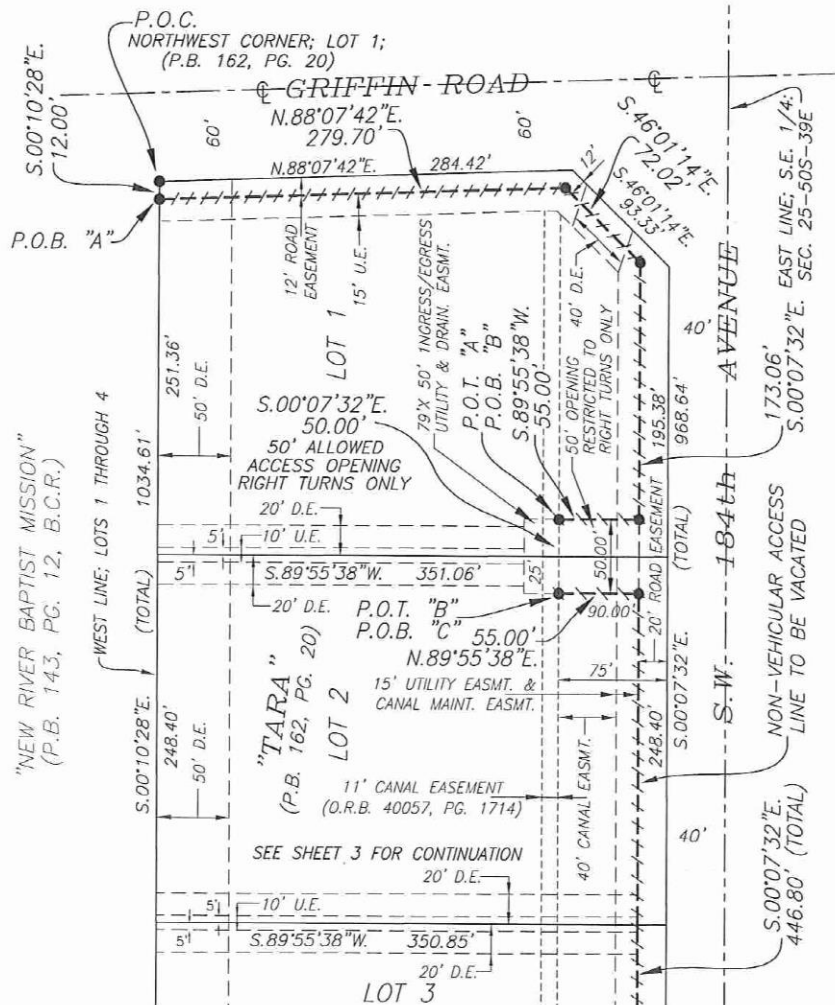
John C. Tello, P.E.  
Assistant Vice President



**EXHIBIT "D"**  
**Existing N.V.A.L.**  
**Application No. DE-19-15**



K:\J65040\Downey Ranches\LEGALS\DWG\NVAL VACATED - LOTS 1-4.dwg

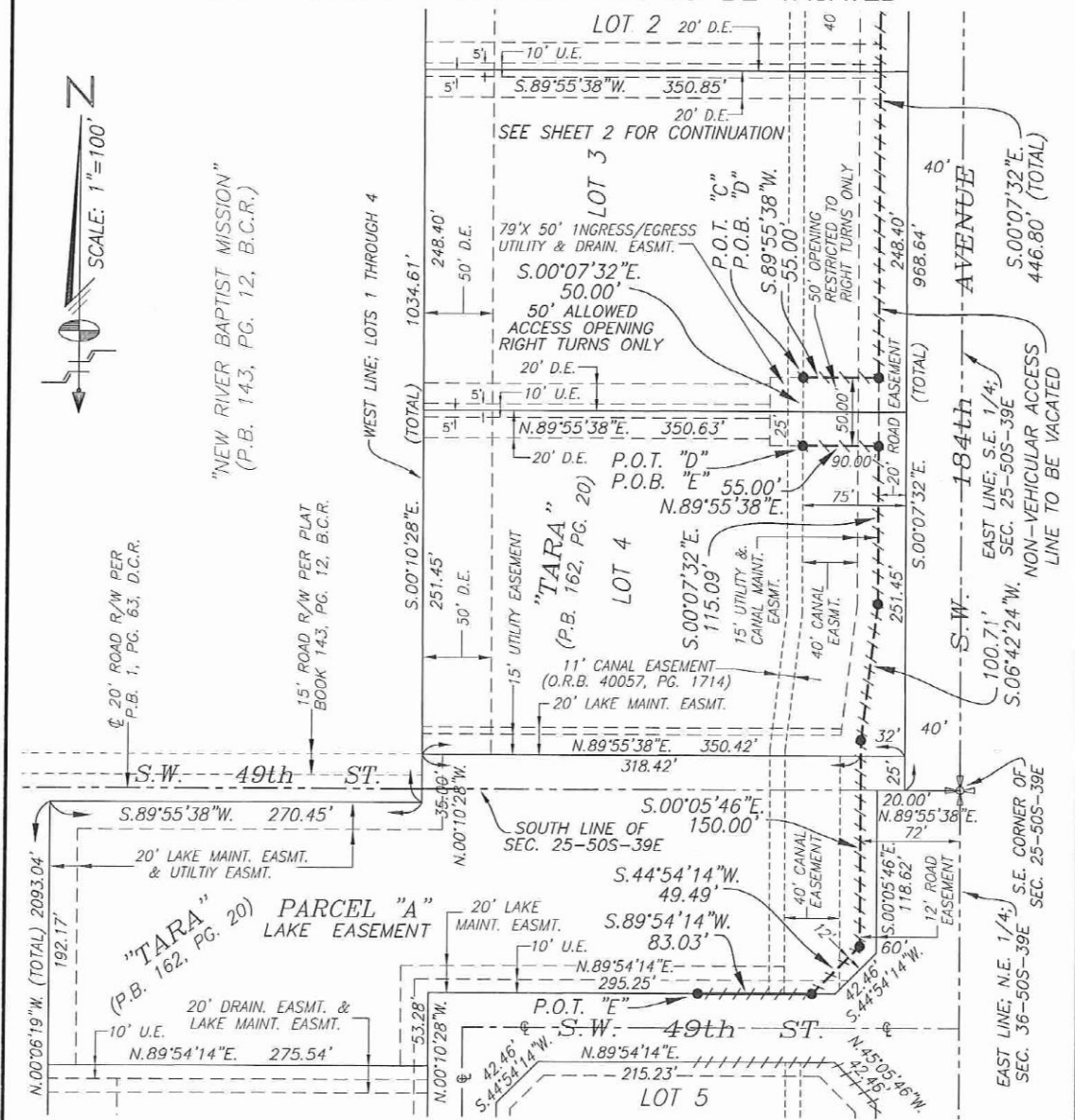


*Schwebke-Shiskin & Associates, Inc.*  
LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025  
PHONE No.(954)435-7010 FAX No. (954)438-3288  
ORDER NO. 203348  
DATE: OCT. 22, 2014  
*Ronald L. Fritz*  
RONALD A. FRITZ, ASSISTANT VICE PRESIDENT  
FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767

REVISIONS



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION NON-VEHICULAR ACCESS LINE TO BE VACATED

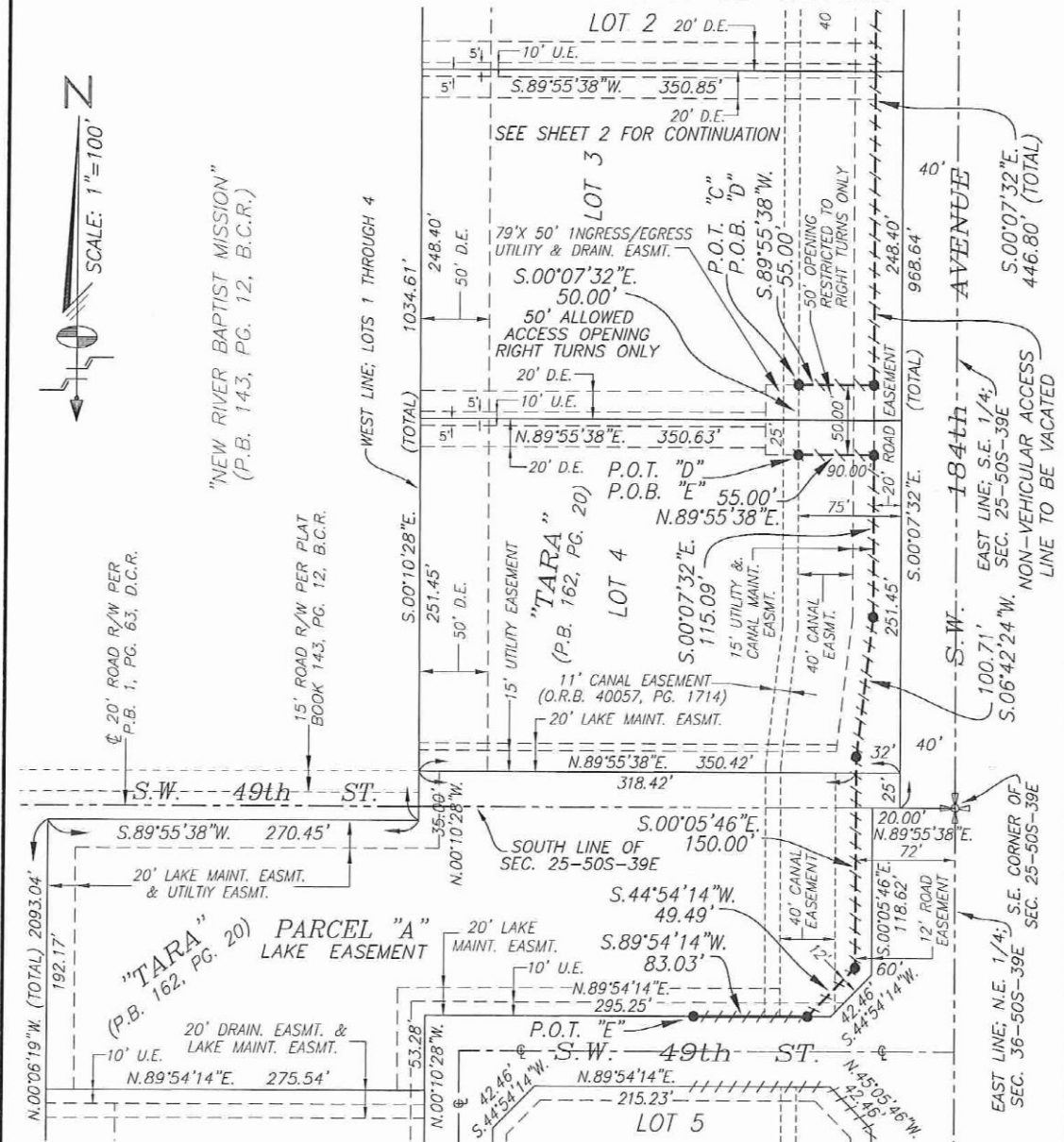


SHEET 3 OF 5 SHEETS

	<b>Schwebke-Shiskin &amp; Associates, Inc.</b> LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954) 435-7010 FAX No. (954) 438-3288		<b>REVISIONS</b>      
	ORDER NO. 203348 DATE: OCT. 22, 2014		
	THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87		
	RONALD A. FRITZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767		

K:\365040\Downey Ranches\LEGALS\DWG\NVAL VACATED - LOTS 1-4.dwg

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION NON-VEHICULAR ACCESS LINE TO BE VACATED



SHEET 3 OF 5 SHEETS

	<b>Schwebke-Shiskin &amp; Associates, Inc.</b> LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No.(954)435-7010 FAX No. (954)438-3288		REVISIONS      
	ORDER NO. 203348 DATE: OCT. 22, 2014 THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87		
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K:\365040\Downey Ranches\LEGALS\DWG\NVAL VACATED - LOTS 1-4.dwg



# LEGAL DESCRIPTION TO ACCOMPANY SKETCH NON-VEHICULAR ACCESS LINE TO BE VACATED



## LEGAL DESCRIPTION:

BEING A PORTION OF THE EXISTING NON-VEHICULAR ACCESS LINE AS SHOWN ON PARCEL "A" AND LOTS 1 THROUGH 4, INCLUSIVE, ACCORDING TO THE PLAT OF "TARA", AS RECORDED IN PLAT BOOK 162 AT PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 10 MINUTES 28 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, FOR 12.00 FEET TO THE POINT OF BEGINNING "A" OF THE FOLLOWING DESCRIBED NON-VEHICULAR ACCESS LINE; THENCE NORTH 88 DEGREES 07 MINUTES 42 SECONDS EAST, ALONG A LINE THAT IS 12.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 1, FOR 279.70 FEET; THENCE SOUTH 46 DEGREES 01 MINUTES 14 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 12.00 FEET SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHEASTERLY LINE OF SAID LOT 1, FOR 72.02 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 20.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOT 1, FOR 173.06 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 38 SECONDS WEST, ALONG A LINE THAT IS PARALLEL WITH AND 25.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID LOT 1, FOR 55.00 FEET TO THE POINT OF TERMINATION "A" OF SAID NON-VEHICULAR ACCESS LINE AND THE POINT OF BEGINNING "B" OF AN ALLOWED 50 FOOT WIDE ACCESS OPENING; THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 75.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOTS 1 AND 2, FOR 50.00 FEET TO THE POINT OF TERMINATION "B" OF SAID ALLOWED 50 FOOT WIDE ACCESS OPENING AND THE POINT OF BEGINNING "C" OF THE FOLLOWING DESCRIBED NON-VEHICULAR ACCESS LINE; THENCE NORTH 89 DEGREES 55 MINUTES 38 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 25.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 2, FOR 55.00 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 20.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOTS 2 AND 3, FOR 446.80 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 38 SECONDS WEST, ALONG A LINE THAT IS PARALLEL WITH AND 25.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID LOT 3, FOR 55.00 FEET TO THE POINT OF TERMINATION "C" OF SAID NON-VEHICULAR ACCESS LINE AND THE POINT OF BEGINNING "D" OF THE FOLLOWING DESCRIBED 50.00 FOOT WIDE ALLOWED ACCESS OPENING; THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG A LINE THAT IS 75.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOT 3 AND 4, FOR 50.00 FEET TO THE POINT OF TERMINATION "D" OF SAID 50 FOOT WIDE ALLOWED ACCESS OPENING AND THE POINT OF BEGINNING "E" OF THE FOLLOWING DESCRIBED NON-VEHICULAR ACCESS LINE; THENCE NORTH 89 DEGREES 55 MINUTES 38 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 25.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 4, FOR 55.00 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 20.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOT 4, FOR 115.09 FEET; THENCE SOUTH 06 DEGREES 42 MINUTES 24 SECONDS WEST

(CONTINUED ON SHEET 5 OF 5 SHEETS)

SHEET 4 OF 5 SHEETS

	<b>Schwebke-Shiskin &amp; Associates, Inc.</b> LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954) 435-7010 FAX No. (954) 438-3288		REVISIONS      
	ORDER NO. 203348 DATE: OCT. 22, 2014		
	THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87		
	 RONALD A. FRITZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767		

K:\365040\Downey Ranches\LEGALS\DWG\NVAL VACATED - LOTS 1-4.dwg

**LEGAL DESCRIPTION TO ACCOMPANY SKETCH**  
**NON-VEHICULAR ACCESS LINE TO BE VACATED**

**LEGAL DESCRIPTION:**


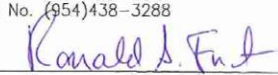
(CONTINUED FROM SHEET 4 OF 5 SHEETS)

FOR 100.71 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 72.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50 SOUTH, RANGE 39 EAST, AS SHOWN ON THE SAID PLAT OF "TARA", FOR 150.00 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 14 SECONDS WEST, ALONG A LINE THAT IS 12.00 FEET NORTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTHEASTERLY LINE OF SAID PARCEL "A", FOR 49.49 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 14 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID PARCEL "A", FOR 83.03 FEET TO THE POINT OF TERMINATION "E" OF A NON-VEHICULAR ACCESS LINE; ALL LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST AND THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50 SOUTH, RANGE 39 EAST, TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

**SURVEYOR'S NOTES:**

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF SOUTH 88 DEGREES 07 MINUTES 42 SECONDS WEST ALONG THE CENTER LINE OF GRIFFIN ROAD AS SHOWN ON THE HEREIN REFERENCED PLAT OF "TATA".
- 2) ORDERED BY: JCR HOLDINGS
- 3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE ATTESTING FLORIDA LICENSED SURVEYOR AND MAPPER.

SHEET 5 OF 5 SHEETS

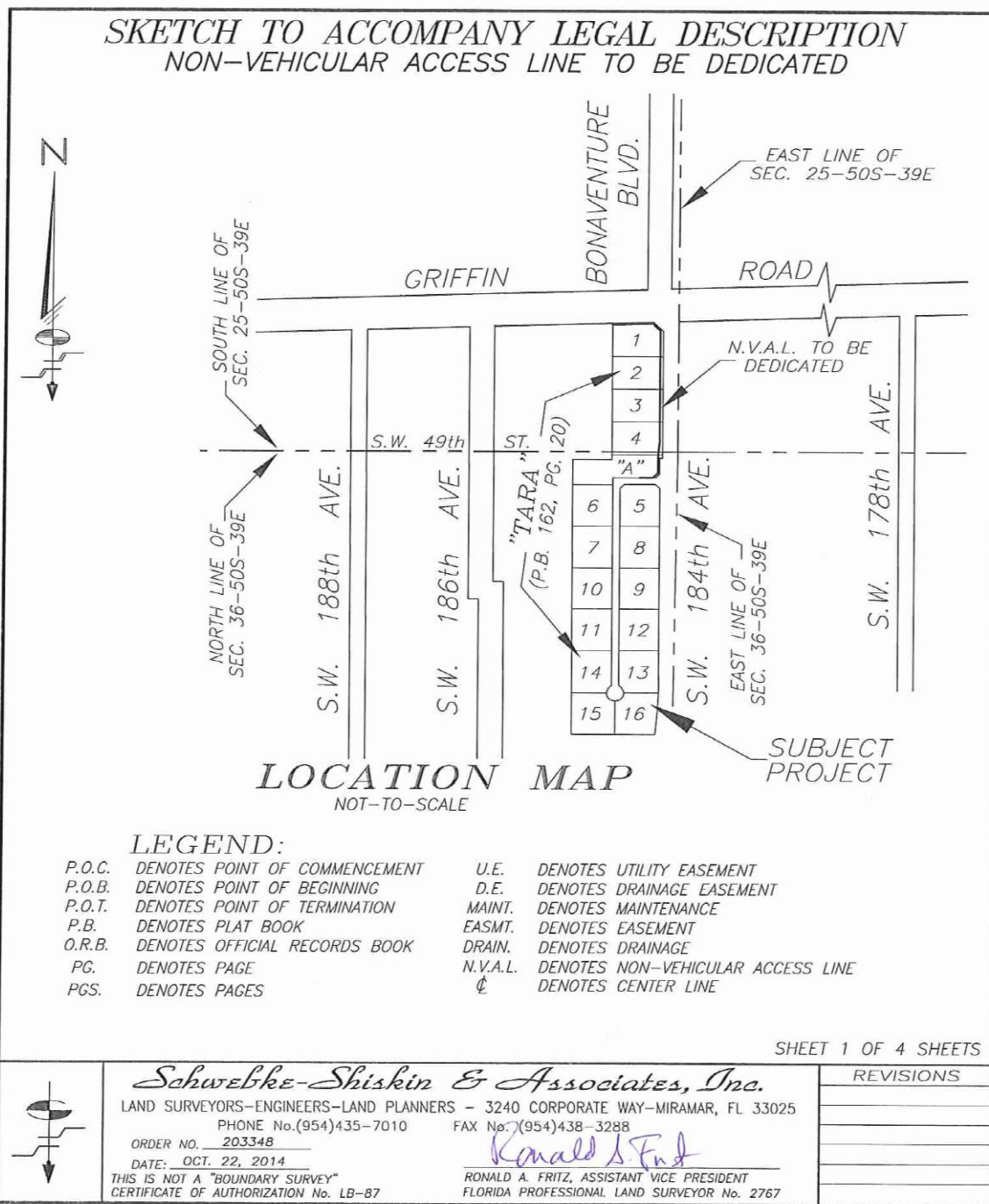
	<i><b>Schwebke-Shishkin &amp; Associates, Inc.</b></i>		<b>REVISIONS</b>        
	LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025		
	PHONE No. (954) 435-7010      FAX No. (954) 438-3288		
	ORDER NO. <u>203348</u>		
	DATE: <u>OCT. 22, 2014</u>	RONALD A. FRITZ, ASSISTANT VICE PRESIDENT	
THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87			FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767

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# EXHIBIT "E"

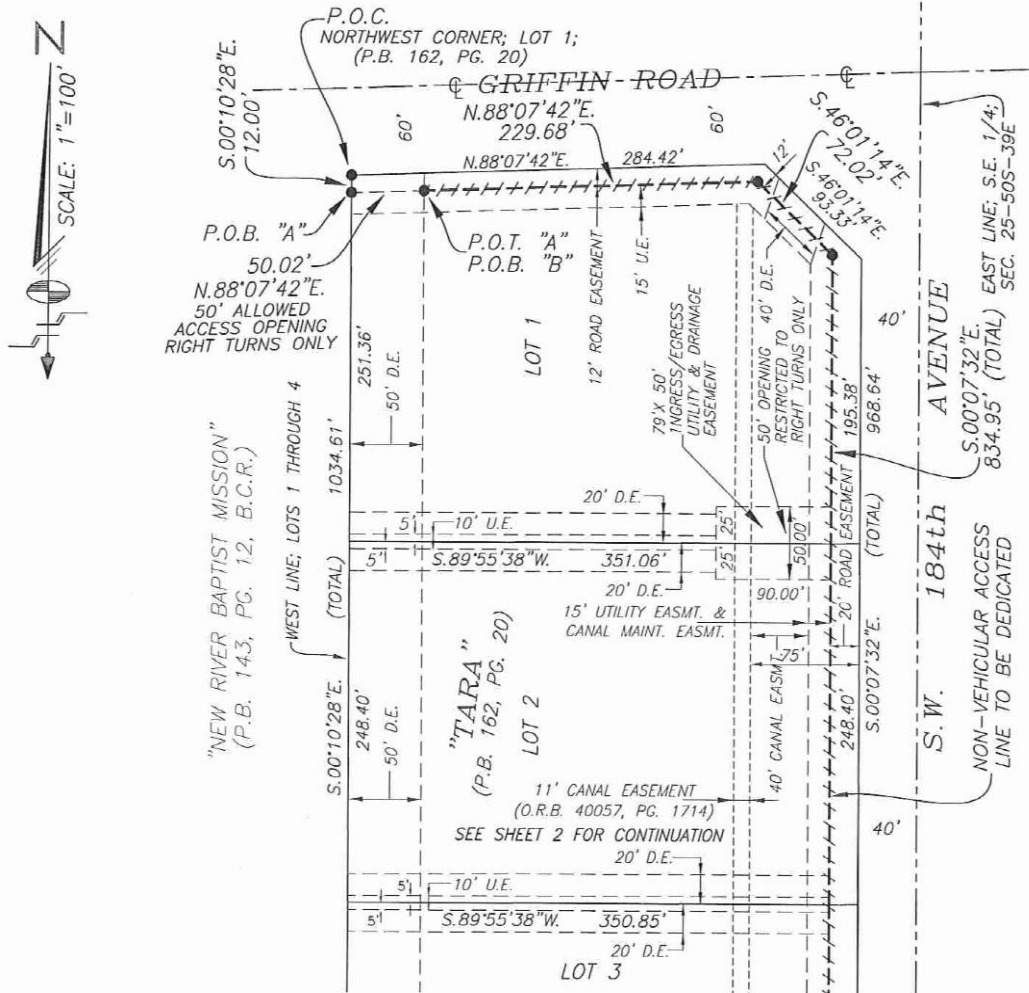
## Proposed N.V.A.L.

### Application No. DE-19-15





# SKETCH TO ACCOMPANY LEGAL DESCRIPTION NON-VEHICULAR ACCESS LINE TO BE DEDICATED



SHEET 2 OF 4 SHEETS



**Schwebke-Shiskin & Associates, Inc.**

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No. (954) 435-7010

FAX No. (954) 438-3288

ORDER NO. 203348

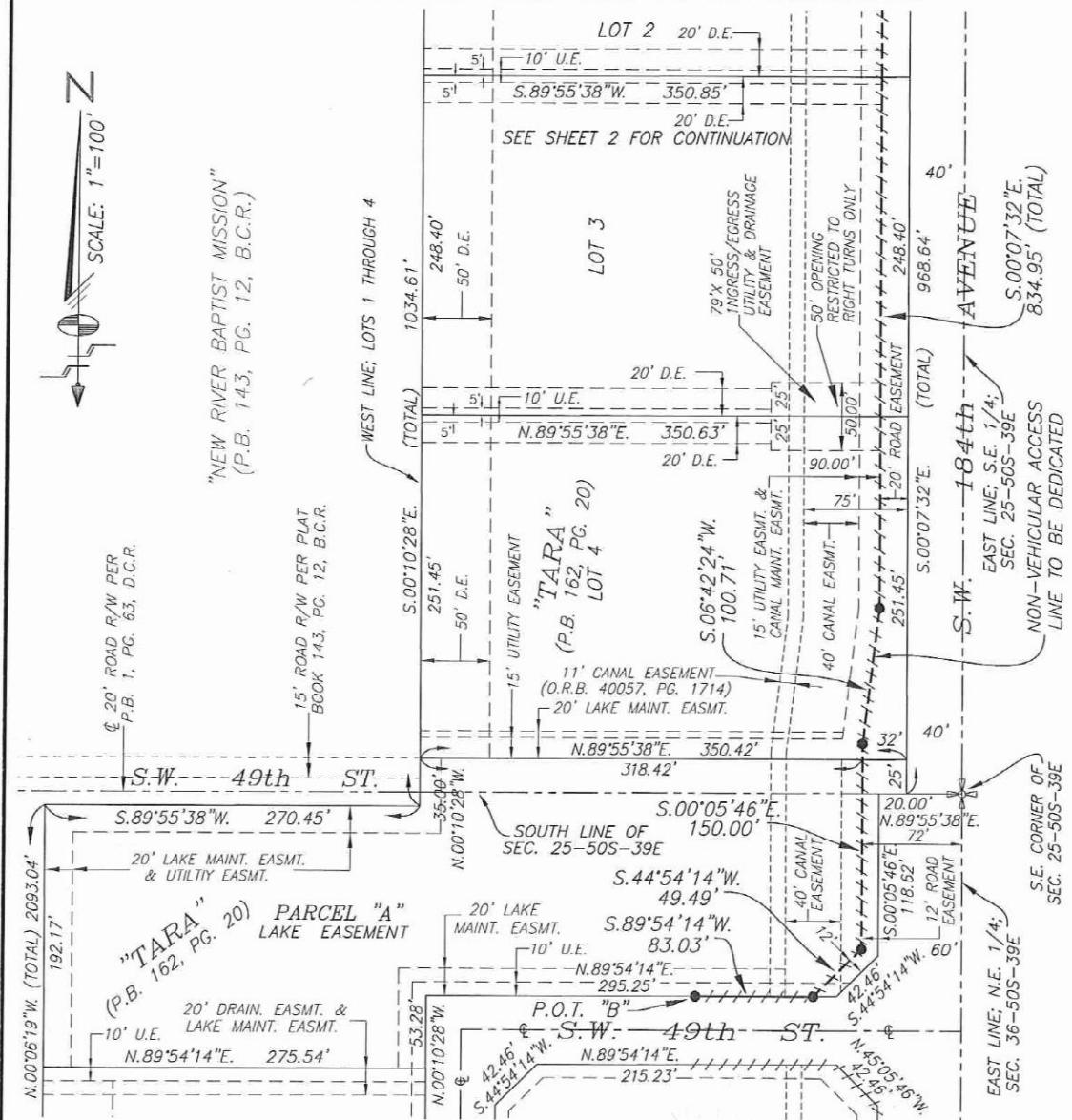
DATE: OCT. 22, 2014

THIS IS NOT A "BOUNDARY SURVEY"  
CERTIFICATE OF AUTHORIZATION No. LB-87

*Ronald A. Fritz*  
RONALD A. FRITZ, ASSISTANT VICE PRESIDENT  
FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767

REVISIONS

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RONALD A. FRITZ, ASSISTANT VICE PRESIDENT  
FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767




# LEGAL DESCRIPTION TO ACCOMPANY SKETCH NON-VEHICULAR ACCESS LINE TO BE DEDICATED

## LEGAL DESCRIPTION:


BEING A PORTION OF THE EXISTING NON-VEHICULAR ACCESS LINE AS SHOWN ON PARCEL "A" AND LOTS 1 THROUGH 4, INCLUSIVE, ACCORDING TO THE PLAT OF "TARA", AS RECORDED IN PLAT BOOK 162 AT PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 10 MINUTES 28 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, FOR 12.00 FEET TO THE POINT OF BEGINNING "A" OF A 50.00 FOOT WIDE ALLOWED ACCESS OPENING; THENCE NORTH 88 DEGREES 07 MINUTES 42 SECONDS EAST, ALONG A LINE THAT IS 12.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 1, FOR 50.02 FEET TO THE POINT OF TERMINATION "A" OF A 50.00 FOOT WIDE ALLOWED ACCESS OPENING AND THE POINT OF BEGINNING "B" OF A NON-VEHICULAR ACCESS LINE; THENCE CONTINUE NORTH 88 DEGREES 07 MINUTES 42 SECONDS EAST, ALONG THE LAST DESCRIBED COURSE, FOR 229.68 FEET; THENCE SOUTH 46 DEGREES 01 MINUTES 14 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 12.00 FEET SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHEASTERLY LINE OF SAID LOT 1, FOR 72.02 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH 20.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID LOTS 1 THROUGH 4, INCLUSIVE, FOR 834.95 FEET; THENCE SOUTH 06 DEGREES 42 MINUTES 24 SECONDS WEST FOR 100.71 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, ALONG A LINE THAT IS PARALLEL WITH AND 72.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50 SOUTH, RANGE 39 EAST, AS SHOWN ON THE SAID PLAT OF "TARA", FOR 150.00 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 14 SECONDS WEST, ALONG A LINE THAT IS PARALLEL WITH AND 12.00 FEET NORTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTHEASTERLY LINE OF SAID PARCEL "A", FOR 49.49 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 14 SECONDS WEST, ALONG THE SOUTH LINE OF SAID PARCEL "A", FOR 83.03 FEET TO THE POINT OF TERMINATION "B" OF A NON-VEHICULAR ACCESS LINE; ALL LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST AND THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50 SOUTH, RANGE 39 EAST, TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

## SURVEYOR'S NOTES:

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF SOUTH 88 DEGREES 07 MINUTES 42 SECONDS WEST ALONG THE CENTER LINE OF GRIFFIN ROAD AS SHOWN ON THE HEREIN REFERENCED PLAT OF "TARA".
- 2) ORDERED BY: JCR HOLDINGS
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SHEET 4 OF 4 SHEETS

	<b>Schwebke-Shiskin &amp; Associates, Inc.</b> LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954) 435-7010 FAX No. (954) 438-3288		REVISIONS      
	ORDER NO. <u>203348</u> DATE: <u>OCT. 22, 2014</u> THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87		
 RONALD A. FRITZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767			

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Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall  
(954) 434-1490 Fax

**Town Council**  
**Jeff Nelson, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitkreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Doug McKay, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muñiz, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor Nelson and Town Council

**VIA:** Andrew D. Berns, Town Administrator

**FROM:** Russell Muñiz Assistant Town Administrator/Town Clerk

**DATE:** August 13, 2015

**SUBJECT: Ordinance Establishing Code Section Relating to Parking Citations and Processing by Broward County Clerk of Court**

---

### **Recommendation**

Council consideration of the attached ordinance which establishes municipal law to govern stopping, standing and parking of vehicles within the Town to comply with current State laws.

### **Strategic Priorities**

- A. Sound Governance
- C. Reliable Public Safety

### **Background**

Approval of this ordinance will place the Town in alignment with Florida Statutes 316.1945 and 316.1955 which govern stopping, standing, and parking of vehicles within the municipal boundaries of the Town. It will also provide for the enforcement of vehicles illegally parked in spaces designated for disabled motorists. Additionally, the ordinance provides for the utilization of the Broward County Clerk of Courts for the processing of parking citations.

### **Fiscal Impact/Analysis**

None. However, should this ordinance be adopted an interlocal agreement with the Broward County Clerk of Courts will require Council approval. That agreement will indicate the share of proceeds received from any citations issued.

### **Staff Contact:**

Russell Muñiz, Assistant Town Administrator/Town Clerk

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**ORDINANCE NO. 2015-**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 24, ARTICLE IV, ENTITLED "PARKING, STOPPING, AND STANDING ENFORCEMENT" TO COMPLY WITH CURRENT STATE LAWS, INCLUDING THOSE APPLICABLE TO PARKING SPACES FOR DISABLED PERSONS AND TO CREATE PROCEDURES SO AS TO DELEGATE AUTHORITY FOR ENFORCEMENT AND COLLECTION OF PARKING VIOLATION FINES TO THE OFFICE OF THE BROWARD COUNTY, FLORIDA, CLERK OF THE COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT; AUTHORIZING THE USE OF HEARING OFFICERS IN THE SYSTEM ESTABLISHED BY BROWARD COUNTY FOR SUCH PURPOSE; PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Southwest Ranches wishes to update its Ordinances to provide for laws which govern stopping, standing and parking of vehicles within the Town, to comply with current State laws; and

**WHEREAS**, stopping, standing, or parking shall be prohibited as proscribed in Florida Statutes 316.1945; and

**WHEREAS**, the Town of Southwest Ranches intends to vigorously protect the rights of disabled persons by enforcing the provisions of Florida Statutes 316.1955; and

**WHEREAS**, the Town of Southwest Ranches has determined it is economically advisable and expedient to delegate authorization to enforce and collect fines for parking violations to the Clerk of the Court for Broward County in the Seventeenth Judicial Circuit of Florida, since that agency presently has in place a

collections system and a hearing officer system which both serve the County and other cities within the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, THAT:**

**SECTION 1.** A new section, Article IV entitled "Parking, Stopping, and Standing Enforcement," shall be codified within Chapter 24, entitled "Traffic and Vehicles," of the Town Code of Ordinances and shall be codified as follows:

**Sec. 24-74. Notice of Illegally parked vehicles.**

- (a) Whenever any vehicle is found parked, stopped or standing in violation of any of the restrictions imposed by any ordinance of this town or state statute, the officer or parking enforcement specialist finding such vehicle shall issue a parking citation in the form approved by the town administrator and shall conspicuously affix this citation to the vehicle in violation. This citation shall notify the person responsible for the vehicle to pay the fine indicated on the citation within ten (10) days at the place specified on the citation.
- (b) If the fine indicated on the citation is not paid within ten (10) days, excluding the date of issuance of the citation, late fees of twelve dollars (\$12.00) will be assessed.
- (c) If an alleged violator of any parking, stopping or standing ordinance, any provision of this Code or of law does not respond to a notice or citation issued and affixed to the subject motor vehicle within a period of ten (10) working

days from the date of issuance, then the Clerk of the Broward County Court, to which the Town of Southwest Ranches has delegated its collection and enforcement authority for such citations, shall notify the alleged violator that if the applicable amount of the citation and the late fee are not paid within a period of ten (10) working days from the notice, proceedings may be instituted in which a fine may be imposed in excess of that shown on the notice of citation.

**Sec. 24-76. Administrative appeal**

- (a) Any person wishing to contest a parking violation citation may appeal and contest such citation by making a written request for an administrative hearing to the Broward County, Florida Clerk of Court within ten (10) working days of the date the citation was issued.
- (b) The Clerk of Court shall set the hearing within sixty (60) calendar days of the date the citation was issued, giving the person issued the citation at least seven (7) working days advance notice of the date of the hearing, such days excluding Saturdays, Sundays and legal holidays. The notice shall be sent by regular mail to the address of the registered owner of the vehicle or, in the event that the driver of the vehicle is not the owner, to the driver's address if the driver requests a hearing.
- (c) The person issued the citation may:
  - 1) Be represented by counsel;

- 2) Call and examine witnesses;
  - 3) Introduce exhibits;
  - 4) Examine opposing witnesses on any relevant matter; and
  - 5) Impeach any witness
- (d) All hearings shall be conducted insofar as practical in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affair shall be admissible whether or not such evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the hearing officer, in the reasonable exercise of such officer's discretion, to intervene in a pending proceeding.
- (e) Any person who receives a parking citation but who does not reside in Palm Beach, Broward or Dade County, Florida, may contest the citation in writing. Such person must submit a written request to contest the citation by mail, accompanied by all

evidence upon which the person relies, within ten (10) working days of the date the citation was issued. The written request to contest the citation by mail and evidence must be sent to the Clerk of Courts. The Clerk of Court shall present the case to a hearing officer within sixty (60) calendar days of the date the citation was issued. The evidence presented must include a notarized statement by the person cited, which statement must identify the citation at issue by its number and date of issuance, must set forth the name and current address of the person cited and may contain argument in defense against the citation. The hearing officer will not consider any statement that is not notarized. The evidence submitted may include notarized statements of witnesses. Such statements must include the name and address of each witness as well as the basis of the witness' knowledge about the facts asserted in the statement. The evidence submitted may also include such documents that are relevant and material to the disposition of the citation. All evidence submitted is subject to the evidentiary rules set forth above.

- (f) Pursuant to Florida law, any person who elects to appear before a hearing officer or to contest a citation by mail, shall be deemed to have waived the right to pay the civil penalty amount set forth on the citation. The hearing or consideration of mailed-in admissible evidence will be decided within thirty (30) calendar days after the request for hearing was made or the evidence to be considered was received. After a hearing or consideration of mailed-in admissible evidence, the hearing officer shall make a determination based on the greater weight of the evidence

as to whether a parking violation has been committed and shall issue an order imposing a civil penalty of two hundred fifty dollars (\$250.00) for any violation of a disabled parking law or ordinance or civil penalty not to exceed one hundred dollars (\$100.00) for a violation of any other parking ordinance or violation of law, in addition to applicable late fees. The hearing officer may grant additional time to pay the civil penalty amount and late fees; otherwise such fines are due and payable within ten (10) working days from the date the order of the hearing officer was issued. All orders shall be in writing and shall be signed and dated by the hearing officer. If at the conclusion of the hearing or consideration of mailed-in admissible evidence, the hearing officer orders a dismissal of the citation because no violation was found, the hearing officer shall so state and issue an order of dismissal in writing signed and dated by the hearing officer which shall contain findings of the acts supporting the order. A copy of such order will be forwarded to the alleged violator. An order of the hearing officer may be appealed by the filing of a Petition of a Writ of Certiorari in the Circuit Court of the Seventeenth judicial Circuit in and for Broward County, Florida, by any party receiving an adverse ruling within thirty (30) calendar days from the date the order was issued.

**Sec. 24-77. Liability for payment of parking ticket violations.**

- (a) Under authority of Florida Statutes, Section 316.1967, the owner of a vehicle is responsible and liable for payment of any parking ticket violation or notice to



appear under this chapter unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violations, to furnish to the court liaison officer of the police department, or his designated assistant, the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle. The owner of a vehicle is not responsible for parking violations if the vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle.

- (b) Prima facie evidence that the vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle shall be in the form of a report from the appropriate law enforcement official that the vehicle was not under the care, custody or control of the owner of the vehicle.

#### **Sec. 24-78. Fines and assessments.**

- (a) All violations of any disabled parking law or ordinance shall have the penalty of two hundred and fifty dollars (\$250.00). The penalty for all other parking violations of any kind is thirty dollars (\$30.00).

- (b) In addition to above fines, pursuant to F.S. 318.21 (12), and pursuant to F.S. 938.19 and Broward County Code 10-13, a three dollar (\$3.00) assessment for teen court will be added to the fine for each parking violation.

**Sec. 24-79. Penalty for nonpayment**

- (a) After adjudication of guilty by a court of competent jurisdiction, or a written plea of guilty to any violation in this article, it shall be a separate violation for any person to fail or refuse to pay the required fee.
- (b) The penalty for a violation of this section shall be a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than five (5) days, or both, at the discretion of the court.

**Section 2: Codification.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Charter of the Town, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 3: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 4. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 5: Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2015 on a motion  
made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2015,  
on a motion made by \_\_\_\_\_ and seconded by  
\_\_\_\_\_.

Nelson \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
McKay \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

\_\_\_\_\_  
Jeff Nelson, Mayor

Attest:

\_\_\_\_\_  
Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith M. Poliakoff, J.D., Town Attorney

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Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall  
(954) 434-1490 Fax

**Town Council**  
**Jeff Nelson, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitkreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Doug McKay, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muñiz, Assistant Town Administrator**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## COUNCIL MEMORANDUM

**TO:** Honorable Mayor Nelson and Town Council

**THRU:** Andrew D. Berns, Town Administrator

**FROM:** Jeff Katims, AICP, CNU-A  
Assistant Town Planner

**DATE:** August 27, 2015

**SUBJECT: Code amendment to update farm-related provisions consistent with Florida Statutes**

---

### **Recommendation**

Approval of the Ordinance on first reading.

### **Strategic Priorities**

This item supports the following strategic priority as identified in the Town's adopted strategic plan.

A. Sound Governance

### **Background**

1. Several years ago the Florida Legislature exempted nonresidential farm structures from compliance with zoning regulations. Several Town zoning regulations are inconsistent with state law because they attempt to regulate nonresidential farm structures, and are therefore preempted. This Ordinance eliminates the inconsistencies.
2. In 2013, the Florida Legislature limited the zoning (and building permit) exemptions to properties with an agricultural property tax exemption. In response, the Town Council adopted Ordinance No.2015-001 that allows former 'farm' structures to remain, despite noncompliance with one or more zoning regulations, until the agricultural use is discontinued or property ownership changes.

### **This Ordinance**

The subject Ordinance addresses the legal concern that Ordinance No. 2015-001 does not require building code compliance. It does this by authorizing structural inspections and requiring a 'farm' structures comply with the building code or be demolished within



20 years. The Ordinance allows the noncompliant structures to remain through changes in property ownership within the 20-year period.

**Fiscal Impact/Analysis**

No fiscal impact.

**Staff Contact:**

Jeff Katims

ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO REFLECT CHANGES IN THE FLORIDA STATUTES GOVERNING MUNICIPAL REGULATION OF FARMS; AMENDING ARTICLE 155 ENTITLED, "NONCOMMERCIAL FARM SPECIAL EXCEPTIONS", TO MODIFY CONDITIONS APPLICABLE TO SUCH SPECIAL EXCEPTIONS AND TO THE CONTINUED USE OF EXISTING NONRESIDENTIAL, AGRICULTURAL STRUCTURES ON NONCOMMERCIAL FARMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town of Southwest Ranches adopted its Unified Land Development Code ("ULDC") in 2005; and

**WHEREAS**, the Florida Legislature has amended F.S. Sections 604.50 and 823.14 subsequent to the adoption of the ULDC; and

**WHEREAS**, the Town Council wishes to amend the ULDC to be consistent with the preemptions in Florida law; and

**WHEREAS**, the Town Council wishes to allow for the transferability of Noncommercial Farm Special Exceptions to subsequent property owners; and

**WHEREAS**, the Town Council wishes to provide for the inspection of farm buildings that are located on noncommercial farms, and to further provide for their ultimate compliance with the Florida Building Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

**Section 2.** Section 015-080 entitled, "Farms" is hereby amended to read as follows:

1           Sec. 015-080. - Farms.

2           (A) *Generally.* In the event of conflict between any provision of this chapter and  
3           Section 604.50, F.S., which pertains to nonresidential farm buildings, farm  
4           fences and farm signs, Section 604.50, F.S. shall prevail. ~~Various provisions~~  
5           ~~of this ULDC provide for modifications or exceptions to regulations as they~~  
6           ~~apply to farms. Such modifications and exceptions apply only to plots that~~  
7           ~~are farms as defined in sec. 010-030.~~

8           (B) *Noncommercial farm buildings and structures.*

9           (1) In all zoning categories, any property owner proposing to erect a  
10           noncommercial, nonresidential farm building or roofed farm structure,  
11           which is not in accordance with Section 604.50, Florida Statutes, as  
12           may be amended from time to time, that would ~~deviate-s-~~ from the  
13           applicable plot coverage, setback and/or height regulations of this  
14           chapter, shall comply with the procedures and requirements of Article  
15           155, "Noncommercial farm special exceptions."

16           (2) Any property owner that ~~has previously~~ erected a nonresidential farm  
17           building or roofed farm structure as of July 1, 2013, which is not in  
18           accordance with Section 604.50, Florida Statutes, as may be amended  
19           from time to time, or which no longer meets the legal requirements of  
20           Section 604.50, Florida Statutes, as may be amended from time to time,  
21           is required to comply with the procedures and requirements of Sec.  
22           155-070, "Existing structures", prior to the issuance of any permit, and  
23           in no event later than ~~June 30~~March 31, 2016. Such compliance shall  
24           include, but may not be limited to, recording a deed restriction in the  
25           Public Records of Broward County, Florida, in a form and format  
26           approved by the Town Attorney, restricting the use of the  
27           noncommercial, nonresidential farm buildings and/or roofed farm  
28           structures to bona fide agricultural purposes, and acknowledging the  
29           requirements as contained in subsec. 155-070(~~DE~~), as may be amended  
30           from time to time. Such deed restriction shall be removed in the event  
31           that the noncommercial, nonresidential farm buildings and/or roofed  
32           farm structure has been legally converted to an alternative use in  
33           accordance with this chapter.

34           (C) Except as provided in subsec. (B), within ninety (90) days of any plot or  
35           portion thereof ceasing to be a farm as defined in sec. 010-030, all farm  
36           buildings and structures shall be made to comply with the requirements of  
37           this chapter.

38           **Section 3.** Section 015-090 entitled, "Prohibited accessory structures" is  
39           hereby amended to read as follows:

1       Sec. 015-090. - Prohibited accessory structures.

2       \* \* \* \*

3       (B) Truck bodies shall be prohibited in all zoning districts as accessory  
4       structures ~~except as provided in section 045-030(D) for farms, and also~~  
5       provided that properties owned or used by the town are exempt from this  
6       prohibition.

7           **Section 4.** Section 020-010 entitled, "Purpose and intent" is hereby  
8       amended to read as follows:

9       Sec. 020-010. - Purpose and intent.

10       \* \* \* \*

11       (B) This article shall not be construed to:

12       \* \* \* \*

13           (4) Prohibit, restrict, regulate, or otherwise limit any activity of a ~~bona~~  
14           fide farm operation ~~on land classified as agricultural land pursuant to~~  
15           ~~F.S. § 193.461 as defined in article 10, "Definition of Terms", where~~  
16           such activity is regulated through implemented best management  
17           practices or interim measures developed by the state department of  
18           environmental protection, the state department of agriculture and  
19           consumer services, or water management districts and adopted  
20           under F.S. Ch. 120, as part of a statewide or regional program;

21           (5) Prohibit, restrict, regulate, or otherwise limit any activity of a farm  
22           operation, ~~as defined in article 10, "Definition of Terms,"~~ so long as  
23           such activity has not been determined to be a nuisance pursuant to  
24           section 020-030, "Public nuisances."

25           **Section 5.** Section 020-030 entitled, "Public nuisances" is hereby amended  
26       to read as follows:

27       Sec. 020-030. - Public nuisances.

28       \* \* \* \*

29       (D) ~~A Farm farm~~ operations, as defined in sec. 010-030, "Terms Defined",  
30       ~~located on that portion of a plot of land located in agricultural and rural~~  
31       ~~districts that have been classified as agricultural pursuant to F.S. § 193.461,~~  
32       ~~or the use of which has been determined to be a farm pursuant to an~~  
33       ~~administrative determination of the town administrator, a final order of the~~  
34       ~~town council, or a court of law in accordance with article 155,~~

1       ~~"Administrative Farm Claim Determinations," which that~~ has been in  
2       existence for one (1) year or more since its established date of operation  
3       and which was not a nuisance at the time of its established date of  
4       operation, shall constitute a public or private nuisance if the farm operation  
5       does not conform to generally accepted agricultural and management  
6       practices or if it is determined by the special magistrate that any of the  
7       following conditions exist:

8       \* \* \* \*

9       **Section 6.** Section 045-030 entitled, "General provisions" is hereby  
10      amended to read as follows:

11      Sec. 045-030. - General provisions.

12      The following general requirements shall apply in all agricultural and rural districts:

13      (A) *Fences, walls and hedges.* Fences and walls, not including entrance  
14      features, shall be permitted to a maximum height of eight (8) feet above  
15      the established grade within any required yard, and in any location on a  
16      residential or agricultural plot; provided that a fence enclosing a tennis  
17      court or other customary enclosure may be higher if located outside of a  
18      required yard. Fences on farms shall be governed by F.S. ch. 588.

19      (1) Hedges and all natural vegetation shall not be subject to height limits  
20      except as provided in section 075-060(E)(3), "Plant material; shrubs  
21      and hedges." Decorative lighting mounted on posts as an integral part  
22      of any fence or wall shall not be counted in determining fence height,  
23      and shall comply with the requirements of article 95, "Outdoor  
24      Lighting Standards." Barbed wire and razor wire are prohibited for use  
25      as fencing material and as any part of any fence or wall, ~~unless~~  
26      ~~authorized by F.S. ch. 588. "Legal Fences and Livestock at Large,"~~  
27      ~~which chapter shall govern the use of fences on farms with livestock,~~  
28      ~~as defined therein.~~ Low voltage electrical wire, a.k.a. hot wire, shall  
29      be permitted for use as fencing material on all plots ~~without being~~  
30      ~~limited to livestock operations or other farms.~~

31      \* \* \* \*

32      (D) *Miscellaneous storage.*

33      \* \* \* \*

34      (4) One (1) shipping container not exceeding twenty-seven hundred  
35      (2,700) cubic feet capacity and nine and one-half (9½) feet in height  
36      (typically forty (40) feet long and eight (8) feet wide) may be kept on  
37      a plot as an accessory storage structure regardless of plot size;



provided that plots with a current agricultural exempt classification from the county property appraiser's office are permitted a total of two (2) containers for agricultural use on a minimum five (5) net acres, and a total of three (3) containers for agricultural use on seven and one-half (7½) or more acres. Containers shall not be stacked. Shipping containers shall be subject to all required yard and setback requirements, and shall be screened from view of adjacent properties and rights-of-way. This subsection does not apply to farms.

~~(5) One (1) truck body may be kept on a plot with a current classification of agricultural exempt from the county property appraiser's office, as an accessory storage structure, in lieu of each shipping container permitted in subsection (D)(4) of this section, subject to all required yard and setback requirements, and provided the truck bodies are screened from the view of adjacent properties and rights-of-way. Truck bodies must be registered to the property owner of the plot upon which they are placed, except for operable semitrailers with a valid motor vehicle tag and registration that are periodically removed and replaced when new supplies are delivered.~~

~~(6) Nothing herein shall preclude the temporary storage of shipping containers or tractor trailers as an accessory use to a development plot within the CF district, having loading dock facilities designed for semitrailer deliveries, which facility is collecting goods for the distribution to the needy or for individuals recovering from a natural disaster. Notwithstanding the aforesaid, the number of containers or trailers, in aggregate, shall not exceed five (5) at any given time. Said containers and/or trailers shall not exceed twenty-seven hundred (2,700) cubic feet capacity and nine and one-half (9 ½) feet in height.~~

*[Paragraphs 7 and 8 shall be renumbered to 5 and 6]*

\* \* \* \*

(F) *Animals.* Breeding, raising and/or keeping of animals shall be permitted as follows:

(1) In all A-1 districts:

- a. Livestock, limited to four (4) animals for each net acre of plot area, two (2) animals each half (½) acre of plot area and one (1) animal for each quarter (¼) acre of plot area. On plots three and one-half (3½) acres or more in net area, the number of animals specified in this subsection may be doubled, provided all animals are sheltered. There shall be no limit on the number of livestock on plots greater than ten (10) net acres in area.

- (i) Provided that the livestock are not a nuisance pursuant to F.S. § 823.14, the number and types of livestock shall not be restricted on farms, ~~except that in the A-1 district it is presumed that the raising, breeding or keeping of swine of any type shall not be allowed, except as specifically provided in subsection (c) below.~~ Said nuisance determination may also be made by the town's special magistrate who shall consider F.S. § 823.14, case law, and the best management practices of the water management district and the department of agriculture and consumer services. ~~As it relates to domesticated pigs, the special magistrate shall consider the Town's Code, case law, and the best management practices of the water management district and the department of agriculture and consumer services. F.S. § 823.14 shall not be considered as a factor in the special magistrate's determination.~~
- b. Poultry.
- c. In addition to the animals in subsection (F)(1)a. of this section, the following may be kept on a plot containing a permanent dwelling:
1. Birds and fowl.
  2. Dog, cats and other household pets.
  3. Wildlife pets as permitted and licensed by the state.
  4. One (1) non-breeding domesticated pig as a household pet. The domesticated pig shall be spayed or neutered and de-tusked. The domesticated pig shall not create a nuisance to surrounding property(s). Any domesticated pig found to create a nuisance by the town's special magistrate shall be removed from the plot of land and such plot of land shall not be entitled to have another domesticated pig for a period of three (3) years.
- d. Commercial breeding of animals, limited to farm products.
- e. [Reserved.]
- f. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.
- (2) The number and type of animals in A-2 districts shall not be restricted; provided that the livestock are not a nuisance pursuant to F.S. § 823.14. Said nuisance determination shall be made by the town's special magistrate who shall consider F.S. § 823.14, case law, and the best management practices of the water management district and the department of agriculture and consumer services.

1 (3) In the rural districts:

2 a. One (1) livestock for each ten thousand (10,000) square feet of  
3 plot area. Said restriction on the number of animals, however, shall  
4 not apply to household pets as defined in article 10 of this ULDC.

5 (i) Provided that the livestock are not a nuisance pursuant to F.S.  
6 § 823.14, the number and types of livestock shall not be  
7 restricted on farms in the rural districts. Said nuisance  
8 determination shall be made by the town's special magistrate  
9 who shall consider F.S. § 823.14, case law, and the best  
10 management practices of the water management district and  
11 the department of agriculture and consumer services. ~~As it~~  
12 ~~relates to domesticated pigs, the special magistrate shall~~  
13 ~~consider the Town's Code, case law, and the best management~~  
14 ~~practices of the water management district and the department~~  
15 ~~of agriculture and consumer services. F.S. § 823.14 shall not~~  
16 ~~be considered as a factor in the special magistrate's~~  
17 ~~determination.~~

18 b. Poultry.

19 c. In addition to the animals in subsections (F)(3)a and (3)b of this  
20 section, the following may be kept on a plot containing a  
21 permanent dwelling:

22 1. A total of twenty-five (25) birds and fowl, provided such birds  
23 and fowl are kept in an enclosure which is at least fifty (50)  
24 feet from any plot line or street line;

25 2. Dogs, cats and other household pets; and

26 3. Wildlife pets as permitted and licensed by the state.

27 d. One (1) non-breeding domesticated pig as a household pet. The  
28 domesticated pig shall be spayed or neutered and de-tusked. Any  
29 domesticated pig found to be a nuisance by the town's special  
30 magistrate shall be removed from the plot of land and such plot of  
31 land shall not be entitled to have another domesticated pig for a  
32 period of three (3) years.

33 e. Offspring under the normal weaning age for the species shall not  
34 be included in calculating the number of animals.

35 f. On plots exceeding four and one-half (4½) acres in net area, one  
36 (1) additional animal shall be permitted for each ten thousand  
37 (10,000) square feet of plot area, if all animals are sheltered, not  
38 including hogs and household pets.

- (4) Yards where livestock or other animals are allowed access shall be fenced to prevent the animals from accessing streets and adjacent properties.

\* \* \* \*

(J) *Farm, plant and tree nursery on-site display and sales (commercial and noncommercial).*

- (1) On-premise sales and display for farms and noncommercial farms are limited to farm products ~~crops or plants~~ grown, raised or cultivated on the plot where they are being sold.

- (2) On-premise sales and display for nurseries that are farms are limited to plants grown or cultivated on the plot where they are being displayed or sold, and to accessory on-premise sales and display of related landscaping materials that are customarily incidental to such plant sales and display, and that are an integral part of the landscape or hardscape, or are tools used to install landscaping and hardscaping. The display of incidental landscape materials must be screened from the view of adjacent streets and properties.

a. By way of example, the following are classified as incidental materials: stepping stones, river rocks, railroad ties, ponds, mulch, topsoil, fertilizer, and tree-bracing kits.

b. By way of example, the following are not incidental materials: lawn furniture, including benches and picnic tables, gazebos, decorative fountains, statues, recreational and playground equipment, pools and hot tubs, household goods, and rugs.

**Section 7.** Section 045-080 entitled, "Plot coverage, floor area ratio and pervious area" is hereby amended to read as follows:

Sec. 045-080. - Plot coverage, floor area ratio and pervious area.

- (A) The combined area occupied by all buildings and roofed structures shall not exceed twenty (20) percent of the area of a plot in A-1, A-2, and RE districts, and ten (10) percent of the area of a plot area in the RR district less any public or private street right-of-way, ~~except as follows:~~

~~(1) Nonresidential farm buildings and roofed farm structures may exceed the total net plot coverage allowance in the RR District by an additional ten percent (10%) of the plot area less public or private street right-of-way.~~

- (1) Plot coverage for enclosed structures on plots designated agricultural on the future land use plan map shall not exceed ten percent (10%),

1 in accordance with the maximum permitted floor area ratio of one-  
2 tenth (0.10) as established by the adopted comprehensive plan.

3 (23) The aforesaid limitations shall not apply to nonresidential farm  
4 ~~buildings used for growing plants, including, but not limited to, shade~~  
5 ~~houses, greenhouses, and hydroponics nurseries.~~ To the extent that  
6 a noncommercial farm applicant needs to exceed the plot coverage  
7 limitation, the applicant must follow the review procedures set forth  
8 in article 155, "Noncommercial farm special exceptions." The  
9 noncommercial farm applicant must demonstrate that the  
10 requirement prohibits, restricts, or otherwise limits a generally  
11 accepted farming practice.

12 \* \* \* \*

13 (B) The minimum pervious area shall be forty (40) percent of the plot area for  
14 plots under two (2) net acres in area, and sixty (60) percent of the plot  
15 area for plots of two (2) net acres and greater in area. The pervious area  
16 calculation shall be for the entire plot less any public or private street right-  
17 of-way in the agricultural and rural districts.

18 **Section 8.** Section 045-090 entitled, "Height" is hereby amended to read  
19 as follows:

20 Sec. 045-090. – Height.

21 No building or structure, or part thereof, shall be erected or maintained to a height  
22 exceeding thirty-five (35) feet, except as permitted by section 015-030,  
23 "Exclusions from height limits," and article 40, "Telecommunications Towers and  
24 Antennas." To the extent that a noncommercial farm applicant needs to exceed  
25 the maximum height, the farm applicant must follow the review procedures set  
26 forth in article 155, "Noncommercial farm special exceptions." The noncommercial  
27 farm applicant must demonstrate that the requirement prohibits, restricts, or  
28 otherwise limits a generally accepted farming practice. This section does not apply  
29 to nonresidential farm buildings.

30 **Section 9.** Section 045-100 entitled, "Required yards" is hereby amended  
31 to read as follows:

32 Sec. 045-100. - Required yards.

33 All plots in agricultural and rural districts shall maintain yards for all buildings,  
34 structures and accessory uses not less than the following, except as provided in



1 section 015-100, "Yard encroachments". This section does not apply to  
2 nonresidential farm buildings.

3 (A) *Yard footage requirements for noncommercial farms.* Any building or  
4 roofed structure, pen or coop or fish breeding tank used for the shelter,  
5 housing or keeping of animals, birds, fowl, poultry or fish shall be subject  
6 to a fifty (50) foot yard requirement, including veterinary clinics, veterinary  
7 hospitals, and kennels. To the extent that a noncommercial farm applicant  
8 needs to decrease the yard, the noncommercial farm applicant must follow  
9 the review procedures set forth in article 155, "Noncommercial farm special  
10 exceptions." The noncommercial farm applicant must demonstrate that the  
11 requirement prohibits, restricts, or otherwise limits a generally accepted  
12 farming practice. If a noncommercial farm is granted a yard reduction, it  
13 shall have a buffer consisting of an opaque fence or wall, hedge or berm  
14 to a minimum height of six (6) feet.

15 (B) *Front yard.* A front yard of at least fifty (50) feet must be provided. To the  
16 extent that a noncommercial farm applicant needs to reduce the yard, the  
17 noncommercial farm applicant must follow the review procedures set forth  
18 in article 155, "Noncommercial farm special exceptions." The  
19 noncommercial farm applicant must demonstrate that the requirement  
20 prohibits, restricts, or otherwise limits a generally accepted farming  
21 practice.

22 (C) *All other yards.* On all remaining sides of any plot or portion thereof, there  
23 shall be a yard of at least twenty-five (25) feet. To the extent that a  
24 noncommercial farm applicant needs to decrease the required yard, the  
25 noncommercial farm applicant must follow the review procedures set forth  
26 in article 155, "Noncommercial farm special exceptions." The  
27 noncommercial farm applicant must demonstrate that the requirement  
28 prohibits, restricts, or otherwise limits a generally accepted farming  
29 practice. If a noncommercial farm is granted a yard reduction, it shall have  
30 a buffer consisting of an opaque fence or wall, hedge or berm at a minimum  
31 height of six (6) feet.

32 (D) *Minimum separation.* The minimum separation for all dwellings, ~~and~~  
33 ~~nonfarm~~ buildings and roofed structures shall be ten (10) feet. ~~There shall~~  
34 ~~be no minimum separation between detached farm buildings or structures~~  
35 ~~on a single plot, or portion thereof, occupied by a farm.~~

36 **Section 10.** Section 045-110 entitled, "Discontinuance of farm operations"  
37 is hereby repealed.

38 **Section 11.** Section 060-020 entitled, "General provisions" is hereby  
39 amended to read as follows:

1 Sec. 060-020. - General provisions.

2 \* \* \* \*

3 (C) *Landscaping.* Except for portions of plots used for farm or noncommercial  
4 farm operations, all structures and uses shall provide landscaping in  
5 accordance with article 75, "Landscaping Requirements."

6 \* \* \* \* \*

7 (G) *Required yards and plot dimensions.*

8 (1) Fifty (50) feet along any street line;

9 (2) Twenty-five (25) feet from any interior side property line;

10 (3) Fifteen (15) feet from the rear property line;

11 (4) Fifty (50) feet from any residential plot line, except for town uses. A  
12 landscape buffer as required by article 75, "Landscaping  
13 Requirements," shall be provided within the yard.

14 (5) The yards required by this section shall also apply to those lands that  
15 abut another municipal jurisdiction. Such yards shall be applied in the  
16 same manner as if the abutting lands were within the town.  
17 Nonresidential farm buildings are exempt the setback requirements of  
18 this subsection.

19 (6) Any building or roofed structure, pen or coop or fish breeding tank  
20 used for the shelter, housing, or keeping of animals, birds, fowl,  
21 poultry or fish on a noncommercial farm shall be located not less than  
22 fifty (50) feet from any plot line. To the extent that a noncommercial  
23 farm applicant needs to decrease the required yard, the  
24 noncommercial farm applicant must follow the review procedures set  
25 forth in article 155, "Noncommercial farm special exceptions." The  
26 noncommercial farm applicant must demonstrate that the  
27 requirement prohibits, restricts, or otherwise limits a generally  
28 accepted farming practice. If a noncommercial farm is granted a yard  
29 reduction it shall have a buffer consisting of an opaque fence or wall,  
30 hedge or berm to a minimum height of six (6) feet.

31 \* \* \* \*

32 (H) *Fences, walls and hedges.* Fences, walls and hedges may be erected or  
33 planted and maintained to a maximum height of eight (8) feet. The use of  
34 barbed wire, razor wire or electrified fencing shall be prohibited. Fences on  
35 farms shall be governed by F.S. ch. 588.

36 **Section 12.** Section 060-070 entitled, "Plot coverage, floor area ratio and  
37 pervious area" is hereby amended to read as follows:

1       Sec. 060-070. - Plot coverage, floor area ratio and pervious area.

2       (A) *Maximum plot coverage.* Properties that have a community facilities land  
3       use plan designation and had a zoning designation of I-1 prior to May 9,  
4       2002, shall have a maximum plot coverage of thirty-five (35) percent. All  
5       other properties shall be limited to the plot coverage allowed in the most  
6       restrictive of the abutting zoning districts.

7       (1) The plot coverage limitation shall not apply to nonresidential farm  
8       buildings ~~any buildings used for growing plants, including, but not~~  
9       ~~limited to, shade houses, greenhouses, and hydroponics nurseries.~~ To  
10      the extent that a noncommercial farm applicant needs to exceed the  
11      maximum plot coverage, the noncommercial farm applicant must  
12      follow the review procedures set forth in article 155, "Noncommercial  
13      farm special exceptions." The noncommercial farm applicant must  
14      demonstrate that the requirement prohibits, restricts, or otherwise  
15      limits a generally accepted farming practice.

16      (B) *Maximum floor area ratio.* Properties that have a community facilities land  
17      use plan designation and had a zoning designation of I-1 prior to May 9,  
18      2002, shall have a maximum floor area ratio of thirty-five one hundredths  
19      (0.35). All other properties shall be limited to a floor area ratio of one-  
20      quarter (0.25) except for farms, which are not subject to the requirements  
21      of this subsection.

22      (C) *Minimum pervious area.* The minimum pervious area is forty (40) percent  
23      of the net plot area. Any farm that cannot provide the minimum pervious  
24      area required herein must comply with all on-site drainage retention and  
25      conveyance requirements of the Town and applicable drainage district.  
26

27       **Section 13.** Section 060-080 entitled, "Height" is hereby amended to read  
28      as follows:

29      Sec. 060-080. Height.

30      The maximum height of buildings and structures (except telecommunication  
31      towers and antennas, and nonresidential farm buildings) is thirty-five (35) feet,  
32      except that ~~nonhabitable~~ uninhabitable structures within cemeteries shall not  
33      exceed twenty (20) feet in height. To the extent that any noncommercial farm  
34      applicant needs to exceed the maximum height, the noncommercial farm applicant  
35      must follow the review procedures set forth in article 155, "~~Administrative Farm~~  
36      ~~Claim Determinations~~ Noncommercial Farm Special Exceptions".

37      The noncommercial farm applicant must demonstrate that the requirement  
38      prohibits, restricts, or otherwise limits a generally accepted farming practice.

**Section 14.** Section 060-090 entitled, "Limitation of uses" is hereby amended to read as follows:

Sec. 060-090. Limitation of uses.

\* \* \* \*

(F) Temporary containers and trailers. Temporary storage of shipping containers or tractor trailers is permitted as an accessory use to a development plot within the CF district having loading dock facilities designed for semitrailer deliveries, which facility is actively collecting goods for the distribution to the needy or for individuals recovering from a natural disaster. The number of containers or trailers, in aggregate shall not exceed five (5) at any given time. Said containers and/or trailers shall not exceed twenty-seven hundred (2,700) cubic feet capacity and nine and one-half (9 ½) feet in height.

**Section 15.** Section 060-100 entitled, "Discontinuance of farm operations in the CF zoning district" is hereby repealed.

**Section 16.** Section 070-090 entitled, "Permanent permitted signs" is hereby amended to read as follows:

Sec. 70-090. Permanent permitted signs.

Signs specified in Table 70-2 shall be permitted, subject to limitations contained in section 070-080, "Basic design schedule for nonresidential signs," and subject to the following additional limitations and requirements:

~~(A) Agricultural uses.~~

~~(1) Farms.~~ One (1) nonilluminated identification sign, which may be double-faced, not to exceed thirty-two (32) square feet in area per side and related to farm activities on the plot or portion thereof, shall be permitted on the portion of any plot occupied by a farm or principal agricultural use. It is specifically recognized that any structure which would otherwise constitute a billboard, shall be subject to all conditions, restrictions and prohibitions applicable to billboards set forth within this ULDC.

~~(A)(2) Noncommercial farms.~~

~~(1)(a)~~ One (1) non-illuminated identification sign, which may be double-faced, identifying the name of the noncommercial farm shall be permitted on the portion of any plot occupied by a noncommercial farm, not to exceed twelve (12) square feet in area and five (5) feet in height

1 along arterial and collector road frontages, and not to exceed eight (8)  
2 square feet in area and four (4) feet in height along all other road  
3 frontages. The standards for sign area in Table 70-1 shall not apply.

4 [Subparagraphs (b) and (c) shall be renumbered as paragraphs (2) and (3)]

5 **Section 17.** Section 075-120 entitled, "Farms" is hereby amended to read  
6 as follows:

7 Sec. 075-120. - Farms.

8 Plots, or portions thereof that are farms or noncommercial farms, with a town farm  
9 designation pursuant to article 155, "Administrative Farm Claim Determinations,"  
10 are exempt from the requirements of this article, provided that a noncommercial  
11 farm is exempt pertaining only to from on-site landscaping requirements, and only  
12 to the extent such requirements prohibit, restrict, or otherwise limit a generally  
13 acceptable farming practice, provided any portion of a noncommercial farm plot  
14 containing a house and not used primarily for farm purposes, inclusive of the  
15 landscaped area required, section 075-110(B), shall comply with the requirements  
16 of this article.

17 **Section 18.** Section 080-010 entitled, "Off-street parking required" is  
18 hereby amended to read as follows:

19 Sec. 080-010. - Off-street parking required.

20 (A) Every building, use or structure, except buildings and structures on portions  
21 of plots occupied by a farm, instituted or erected after the effective date of  
22 the ordinance from which this ULDC is derived shall be provided with off-  
23 street parking facilities in accordance with the provisions of this article for  
24 the use of occupants, employees, visitors or patrons.

(31)	Plant nursery, tree farm or other crops, open-air produce market	3.0	Minimum 1.0 per each 1,000 sq. ft. of display area open to the public
------	---	-----	--

25 [Remainder of list shall be renumbered]

26 **Section 19.** Section 155-020 entitled, "Administrative noncommercial farm  
27 special exception" is hereby amended to read as follows:

28 Sec. 155-020. Administrative noncommercial farm special exception  
29 procedure.

30 \* \* \*

1 (E) If the applicant is granted an administrative special exception, such special  
2 exception shall remain valid until the agricultural use of a building or  
3 structure, for which a special exception is granted, is converted to a  
4 nonagricultural use or the noncommercial farm activity ceases for sixty (60)  
5 days or more. Upon any of the preceding occurrences, the administrative  
6 special exception shall be deemed to be immediately revoked, and the  
7 improvements that were the subject of the special exception shall be in  
8 violation of the chapter until they are brought into compliance with the  
9 height, setback, and/or plot coverage standards from which the special  
10 exception was granted. The property owner shall execute a deed restriction  
11 acknowledging the terms of this subsection, in a form and format approved  
12 by the town attorney, which shall be recorded, at the applicant's expense,  
13 in the Public Records of Broward County Florida, prior to receiving the  
14 administrative special exception. In the event that the town administrator  
15 approves a setback reduction, the reduced side shall have a buffer consisting  
16 of an opaque fence or wall, hedge or berm to a minimum height of six (6)  
17 feet.  
18

19 **Section 20.** Section 155-040 entitled, "Noncommercial farm special  
20 exception procedure" is hereby amended to read as follows:

21 Sec. 155-040. Noncommercial farm special exception procedure.

22 \* \* \*

23 (D) If the applicant is granted a special exception or a special exception with  
24 conditions, such special exception shall remain valid until the agricultural use  
25 of a building or structure, for which a special exception is granted, is  
26 converted to a nonagricultural use or the noncommercial farm activity  
27 ceases for sixty (60) days or more. Upon any of the preceding occurrences,  
28 the administrative special exception shall be deemed to be immediately  
29 revoked, and the improvements that were the subject of the special  
30 exception shall be in violation of the chapter until they are brought into  
31 compliance with the height, setback, and/or plot coverage standards from  
32 which the special exception was granted. The property owner shall execute  
33 a deed restriction acknowledging the terms of this subsection, in a form and  
34 format approved by the town attorney, which shall be recorded, at the  
35 applicant's expense, in the Public Records of Broward County Florida, prior  
36 to receiving the special exception. In the event that the town council  
37 approves a setback reduction, the reduced side shall have a buffer  
38 consisting of an opaque fence or wall, hedge or berm to a minimum height  
39 of six (6) feet.  
40



1       **Section 21.** Section 155-070 entitled, "Existing structures" is hereby  
2 amended to read as follows:

3       Sec. 155-070. Existing structures.

4       (A) Intent. It is the intent of this section to provide relief for plots, or portions  
5 thereof, that are no longer farms because of an amendment to Section  
6 193.461, Florida Statutes that became effective on July 1, 2013.

7       (BA) Relief provided. Any nonresidential building or structure on a non-  
8 commercial farm that continues to be used exclusively for agricultural and  
9 related purposes, shall continue to enjoy relief from sec. 005-080, "Permits  
10 required; expiration of permits and development orders", and ULDC  
11 regulations governing plot coverage, height and setbacks subject to the terms  
12 in subsec. (D) without the need to apply for a special exception, if:

13       (1) The building or structure was constructed pursuant to a town farm  
14 certification and/or Section 604.50, Florida Statutes prior to July 1, 2013;  
15 and

16       (2) The town inspects the building or structure and determines that it has  
17 sufficient structural integrity so as not to constitute a threat to life, safety  
18 and property; and

19       (3) The property owner fully complies with the requirements in subsections (C)  
20 and (D). (CB) Procedure. In order to qualify for such relief, by March 31,  
21 2016, the property owner shall:

22       (1) Submit information to the town administrator on a standard form to be  
23 prepared by the town administrator, as to the farm buildings and farm  
24 structures for which relief is required, and the extent of noncompliance  
25 with the ULDC requirements; and

26       (2) Execute deed restrictions and other standard forms to be prepared by the  
27 town attorney ~~a deed restriction~~ acknowledging limitations and conditions  
28 that shall apply to the relief provided under this section, including but not  
29 limited to, the terms of subsection (DE). All such standard forms ~~The~~  
30 ~~deed restriction shall be in a form and format approved by the town~~  
31 ~~attorney, which shall be recorded, at the applicant's expense, in the Public~~  
32 ~~Records of Broward County, Florida. Failure of a property owner to comply~~

1 with the requirements of this subsection shall cause any noncompliant  
2 nonresidential farm building or farm structure on a non-commercial farm,  
3 to be in violation of the ULDC.

4 (DE) Terms and limitations. Upon compliance with subsection (CB), relief from  
5 plot coverage, height and/or setback requirements shall remain in effect until  
6 March 31, 2036 unless:

- 7 (1) The agricultural use of the building or structure changes to a  
8 nonagricultural use; or
- 9 (2) The non-commercial farm activity ceases for sixty (60) days or more; or
- 10 (3) A Town inspection determines that the building or structure has  
11 deteriorated, been damaged or altered such that it poses a threat to life,  
12 safety and property. The Town reserves the right to enter the property  
13 upon reasonable notice to inspect the building or structure to ensure  
14 compliance with the provisions of this section.

15 Upon any of the preceding occurrences, the improvements that were the  
16 subject of the ULDC relief shall be in violation of ~~the~~this chapter until they  
17 are brought into compliance with the applicable ULDC height, setback, and/or  
18 plot coverage regulations.

19 **Section 22.** Authorizing a Budget Amendment increasing the GF Planning and  
20 Zoning Department - other contractual services – P&Z Land Use (acct #001-2500-515-  
21 34300) via an inter-fund transfer between departments from the GF Non-Departmental  
22 Contingency/Reserve Account (001-3900- 519-99100) in the amount of \$15,000.

23 **Section 23.** Conflicts. All Ordinances or parts of Ordinances, Resolutions  
24 or parts of Resolutions in conflict herewith, be and the same are hereby repealed  
25 to the extent of such conflict.

26 **Section 24.** Severability. If any portion of this Ordinance is determined  
27 by any Court to be invalid, the invalid portion shall be stricken, and such striking  
28 shall not affect the validity of the remainder of this Ordinance. If any Court  
29 determines that this Ordinance, or any portions hereof, cannot be legally applied  
30 to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such  
31 determination shall not affect the applicability hereof to any other individual,  
32 group, entity, property, or circumstance.

**Section 25.** Inclusion in Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made part of the Town of Southwest Ranches Unified Land Development Code; and that the sections of this Ordinance may be renumbered or relettered and the word, "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**Section 26.** Effective Date. This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2015 on a motion

by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_,

2015 on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_.

1 Nelson \_\_\_\_\_ Ayes \_\_\_\_\_  
2 Fisikelli \_\_\_\_\_ Nays \_\_\_\_\_  
3 Breitzkreuz \_\_\_\_\_ Absent \_\_\_\_\_  
4 Jablonski \_\_\_\_\_  
5 McKay \_\_\_\_\_  
6  
7

8 \_\_\_\_\_  
9 Jeff Nelson, Mayor

10  
11 ATTEST:

12  
13 \_\_\_\_\_  
14 Russell Muñiz, Assistant Town Administrator/Town Clerk

15  
16 Approved as to Form and Correctness:

17  
18 \_\_\_\_\_  
19 Keith Poliakoff, Town Attorney

20

21 112612339.1

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## **RESOLUTION NO. 2015**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE OFFICE OF THE BROWARD COUNTY, FLORIDA, CLERK OF THE COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT FOR THE PROCESSING AND COLLECTION OF PARKING CITATIONS AND AUTHORIZING THE USE OF HEARING OFFICERS IN THE SYSTEM ESTABLISHED BY BROWARD COUNTY FOR SUCH PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Town of Southwest Ranches wishes to enter into an Interlocal Agreement with the Clerk of the Court for Broward County in the Seventeenth Judicial Circuit of Florida regarding parking citations; and

**WHEREAS**, the Town of Southwest Ranches has determined it is economically advisable and expedient to delegate authorization to enforce and collect fines for parking violations to the Clerk of the Court for Broward County in the Seventeenth Judicial Circuit of Florida, since that agency presently has in place a collections system and a hearing officer system which both serve the County and other cities within the County.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, THAT:**

**Section 1.** The above-referenced recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council hereby approves an Interlocal Agreement between the Town of Southwest Ranches and the Clerk of the Court for Broward County in the Seventeenth Judicial Circuit of Florida for processing and collection of parking citations in substantially the same form as that attached hereto as Exhibit "A".

**Section 3.** The Town Council authorizes the Mayor, Town Administrator and Town Attorney to enter into an Interlocal Agreement between the Town of Southwest Ranches and the Clerk of the Court for Broward County in the Seventeenth Judicial Circuit of Florida for processing and collection of parking citations in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions, and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4.** This resolution shall take effect immediately upon passage by the Town Council and its execution by the Mayor.



**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2015, on a motion by \_\_\_\_\_ and  
seconded by \_\_\_\_\_.

Nelson \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
McKay \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney

112555864.1

**RESTATED INTERLOCAL AGREEMENT**

**Between**

**TOWN OF SOUTHWEST RANCHES**

**and**

**HOWARD C. FORMAN, CLERK OF COURTS  
SEVENTEENTH JUDICIAL CIRCUIT**

**for**

**PROCESSING AND COLLECTION OF PARKING CITATIONS**

**THIS IS AN INTERLOCAL AGREEMENT**, made and entered into by and between:

The Town of Southwest Ranches, a municipal corporation of the State of Florida,  
hereinafter referred to as "TOWN,"

**AND**

**HOWARD C. FORMAN, CLERK OF COURTS, SEVENTEENTH  
JUDICIAL CIRCUIT, BROWARD COUNTY, FLORIDA**, hereinafter referred to  
as "CLERK."

**WITNESSETH:**

**WHEREAS**, the TOWN's parking ordinances provide for the issuance of parking citations for violations of TOWN parking ordinances and state statutes; and

**WHEREAS**, the TOWN has designated the Clerk of the Court as the entity responsible for processing parking citations and collecting fines imposed as a result of such citations; and

**WHEREAS**, the TOWN has adopted the appropriate ordinances as are required by §§318.325, 316.1967(6) and 320.03(8), Florida Statutes, to delegate such responsibility to the CLERK for the processing of such parking citations and further refer parking citations matters to a hearing officer for enforcement to facilitate the proper enforcement of the parking violations; and

**WHEREAS**, the TOWN wishes to reasonably compensate the CLERK a service fee for the processing of citations and the collection of such parking fines; and

**WHEREAS**, TOWN and CLERK may have entered into an Interlocal Agreement to provide for the CLERK's services; however, due to legislative amendments regarding hearings for parking citation appeals, this revised Restated Interlocal Agreement is required to be entered

into between TOWN and CLERK providing for only the processing and collection of parking citations by the CLERK and eliminating provisions for Hearing Officers, which supersedes any previous agreements between TOWN and CLERK regarding the subject matter herein;

**NOW, THEREFORE**, in consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the TOWN and the CLERK agree as follows:

## **1. SCOPE OF SERVICES**

- 1.1 The CLERK shall process and collect all parking citations issued pursuant to the TOWN's parking ordinances.
- 1.2 TOWN shall obtain at TOWN's sole expense parking citations to be issued to violators which shall conform to the technical requirements of the CLERK.
- 1.3 CLERK shall process all parking citations and late fees in a timely manner, but not to exceed fifteen (15) working days.
- 1.4 TOWN shall provide CLERK with copies of TOWN's parking regulations, as may be amended from time to time, for use during hearings on contested parking citations as provided herein below. TOWN shall be responsible for ensuring its parking regulations are updated with the CLERK, as TOWN's parking regulations may be amended from time to time.

## **2. FEES**

- 2.1 TOWN agrees to pay to the CLERK a base Service Fee of TWO DOLLARS AND FIFTY CENTS (\$2.50) for processing each municipal parking citation that is issued pursuant to the TOWN's parking ordinances. TOWN also agrees, however, to pay to the CLERK an additional Service Fee of FIVE DOLLARS AND NO CENTS (\$5.00) (over and above the TWO DOLLAR AND FIFTY CENT (\$2.50) processing fee) for each issued municipal parking citation, which results in payment to the CLERK of the citation amount or late fees or both. In other words, issued and paid citations shall result in a net total payment to the CLERK of SEVEN DOLLARS AND FIFTY CENTS (\$7.50). Issued and as yet unpaid citations shall result in a net total payment to the CLERK of TWO DOLLARS AND FIFTY CENTS (\$2.50).
- 2.2 In the event CLERK enters into any agreements with any municipalities or other governmental entities to provide the same or similar service set forth herein, CLERK agrees to charge such municipalities or other governmental entities the same fees as provided herein, or as may hereinafter be renegotiated with and equally applicable to all governmental entities participating in the parking citation enforcement process as provided herein. Nothing herein shall prohibit CLERK

from entering into a different contractual relationship with any municipality under the same fee schedule as set forth in this Section.

- 2.3 The CLERK shall prepare a monthly invoice to cover all Service Fees for all previously unbilled new citations entered into the CLERK's computer system during the preceding month. Each month the CLERK shall write a check and pay to the TOWN an amount equal to all monies received for parking citations issued by TOWN, less the amount billed for base Service Fees and collection service fees if any funds are due to an agency.

### **3. LOCATION AND AVAILABILITY OF CLERK'S PARKING CITATION DIVISION**

- 3.1 The CLERK's Parking Citation Division is located at 201 Southeast Sixth Street, Fort Lauderdale, Florida 33301 (telephone number (954) 831-5804) or such other location(s) as may be agreed upon by the parties. The office will be open to the general public from 9:00 a.m. to 4:00 p.m., Monday through Friday, except on those days that have been established as legal holidays for employees of the CLERK as designated by the Chief Judge of the Seventeenth Judicial Circuit.
- 3.2 The Hearing Officer hearings on contested parking citations will be conducted at the West Regional Courthouse located at 100 North Pine Island Road, Plantation, Florida 33324, or such other locations as may be determined by the COURT from time to time. TOWN shall be notified by CLERK of any changes in the location of the hearings.

### **4. ARCHIVING, FILE RETENTION AND BACKUP**

- 4.1 On a monthly basis paid citations which are six (6) months old, and unpaid citations which are one (1) year old, shall be archived by CLERK. This data shall be placed on tape and maintained by CLERK off-site and retained in accordance with Florida Statutes. CLERK agrees that all data residing on the on-line system shall be backed up daily and that a weekly back up shall be performed and stored off-site. Records shall be maintained in accordance with the rules promulgated by the State of Florida, Division of Archives, History and Records Management.
- 4.2 The CLERK is recognized as the Custodian of all records and data generated pursuant to this Agreement as defined in the Public Records Act of the State of Florida, Chapter 119, Florida Statutes.

### **5. REPORTS**

The CLERK shall provide management and financial reports on a monthly basis to the TOWN, which provide for, but are not limited to: 1) auditable inventory control of all citations received by CLERK, 2) numeric sequencing of all citations processed through

the system, indicating citations collected, and indicating total dollars collected, 3) Service fees charged for citations processed and citations collected.

## **6. CLERK'S RESPONSIBILITIES**

- 6.1 The CLERK's Parking Citation Division can be contacted by telephone at (954) 831-5804. TOWN shall be promptly notified in the event the telephone number is changed. The hours of service will be from 9:00 a.m. through 4:00 p.m., Monday through Friday, excepting regularly scheduled holidays as established by the Chief Judge.
- 6.2 Provide security of all data processing files in accordance with established security policy standards and guidelines in accordance with Florida Statutes and the Florida Administrative Code.

## **7. MATTERS BEYOND THE CONTROL OF THE TOWN AND CLERK**

Neither the TOWN nor CLERK shall be responsible for any failure or delay in performance hereunder due to circumstances beyond their reasonable control including, without limitation, Acts of God, accidents, mechanical, power failures, acts, omissions and defaults of third parties and official, governmental and judicial action beyond their control. In the event of occurrences, which require the implementation of a Disaster Recovery Plan, the CLERK shall use its best efforts to provide a level of service consistent with this Agreement.

## **8. AMENDMENTS**

No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

## **9. NOTICES**

All written notices, as provided herein, shall be effected by hand delivery or by U.S. Mail, certified, return receipt requested, addressed as follows:

TOWN:

Town of Southwest Ranches  
Attn: Andrew Berns, Town Administrator  
13400 Griffin Road  
Southwest Ranches, FL 33330

With a copy to:

Keith Poliakoff, Esq.  
Town Attorney  
200 East Las Olas Blvd.  
Fort Lauderdale, FL 33301

CLERK:

Howard C. Forman, Clerk of Court  
Broward County Courthouse  
201 Southeast Sixth Street  
Fort Lauderdale, Florida 33301

## **10. EFFECTIVE DATE AND TERMINATION**

- 10.1 This Interlocal Agreement shall be effective from the date of approval and execution by the CLERK and for an additional one-year term effective October 1, 2006. Beginning October 1, 2006, this Agreement shall automatically renew for yearly terms thereafter and without necessity for re-approval or re-execution unless either party gives notice in writing to the other of intent not to renew. Any such notice must be delivered on or before ninety (90) days from the anniversary date of the Agreement.
- 10.2 This Agreement may be terminated by either party without cause upon sixty (60) days written notice during the first year of the Agreement and ninety (90) days written notice to the other party thereafter.

## **11. PRIOR AGREEMENTS**

This Agreement shall supersede any prior or existing agreements between the TOWN and CLERK pertaining to the subject-matter herein and said prior or existing agreements shall have no force and affect upon execution of this Agreement.

## **12. MISCELLANEOUS**

- 12.1 The parties hereto understand and agree that the parties are self-insured and do not intend to purchase insurance in connection with this Agreement.
- 12.2 Each party agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of this Agreement and agrees to be liable for any damages resulting from said negligence pursuant to the terms of §768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by an agency or political



subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

- 12.3 This Agreement does not create an employee/employer relationship between the parties. It is the intent of the parties that TOWN and CLERK are independent contractors under this Agreement and neither is the employee of the other for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the State Workers Compensation Act, and the State unemployment insurance law. The parties shall each retain sole and absolute discretion in the judgment of the manner and means of carrying out the their activities and responsibilities hereunder provided, further that administrative procedures applicable to services rendered under this Agreement shall be those of each individual party. Services provided by each party pursuant to this Agreement shall be subject to the supervision of such party. In providing such services, neither party nor its agents shall act as officers, employees, or agents of the other party. The parties agree that they are separate and independent enterprises, and that each has the ability to pursue other opportunities. This Agreement shall not be construed as creating any joint employment relationship between the Parties and neither party will be liable for any obligation incurred by the other party, including, but not limited to, unpaid minimum wages and/or overtime premiums.
- 12.4 Neither party intends to directly or substantially benefit any third party by this Agreement. Therefore, the parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against either party based upon this Agreement. The parties expressly acknowledge that it is not their intent to create any rights or obligations in any third persons or entity under this Agreement.
- 12.5 It is acknowledged that each party to this Agreement had the opportunity to be represented by counsel in the preparation of this Agreement and, accordingly, the rule that a contract shall be interpreted strictly against the party preparing same shall not apply due to the joint contribution of both parties.
- 12.6 Headings herein are for convenience of reference only and shall not be considered on any interpretation of this Agreement.
- 12.7 If any provision of this Agreement or application thereof to any person or situation shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, and the application of such provisions to persons or situations other than those as to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.
- 12.8 This Agreement shall be governed by the laws of the State of Florida with venue lying in Broward County, Florida.

12.9 This Agreement constitutes the final, complete, and exclusive embodiment of the entire agreement and understanding between the parties and supersedes and preempts any prior or contemporaneous understandings, agreements, or representations by or between the parties, written or oral.

**THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK**

**IN WITNESS WHEREOF**, the parties have made and executed this Interlocal Agreement on the respective dates under each signature: \_\_\_\_\_ through its Mayor and Town Manager, authorized to execute same by TOWN action on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and Howard C. Forman, Clerk of Courts, Seventeenth Judicial Circuit.

**TOWN:**

ATTEST:

TOWN OF SOUTHWEST RANCHES

\_\_\_\_\_  
Russell Muñiz, Town Clerk

\_\_\_\_\_  
Jeff Nelson, Mayor

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED AS TO FORM:

\_\_\_\_\_  
Keith Poliakoff, Town Attorney

**CLERK:**

WITNESSES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Howard C. Forman, Clerk of Court  
Seventeenth Judicial Circuit

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

July 23, 2015

13400 Griffin Road

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Present:

Mayor Jeff Nelson

Vice Mayor Freddy Fisikelli

Council Member Steve Breitkreuz

Council Member Gary Jablonski

Council Member Doug McKay

Andrew D. Berns, Town Administrator

Richard DeWitt, Assistant Town Attorney

Martin Sherwood, Town Financial Administrator

Russell Muñiz, Assistant Town Administrator

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Vice Mayor Fisikelli at 7:02 PM. Mayor Nelson participated via telephone. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

**3. Public Comment** – There were no speakers for public comment.

**4. Board Reports**

Newell Hollingsworth, Chair of the Comprehensive Planning Advisory Board still felt that progress was still at a standstill on the prototype barn. He asked that Council direct action take place.

Mary Gay Chaples, Chair of the Recreation, Forestry, and Natural Resources Advisory Board indicated that the recent meeting had been canceled. She also indicated that the Southwest Ranches Historical Society was making progress and would be seeking approval on what materials should be displayed at Town Hall.

**5. Council Member Comments**

Council Member Breitkreuz spoke about a petition received from the majority of the residents on 210<sup>TH</sup> Avenue south of 54<sup>th</sup> Place. The petition sought to have this private roadway repaved. Council Member Breitkreuz indicated this information would be confirmed via certified mail so that those responding would recognize that the Town would not be funding the improvements, it would be funded by the property owners.

Council Member McKay indicated that the Drainage Infrastructure Advisory Board has requested the Board be increased from seven to nine members. Town Council supported the increase by voice.

Council Member Jablonski spoke about the “four lane zone” on Griffin Road between 199<sup>th</sup> Avenue and 205<sup>th</sup> Avenue. He felt that this stretch caused a lot of issues for motorists as it narrows down to two lanes and wondered if Broward County could be contacted and asked to have the extra space striped and rumble strips added. He also supported the idea suggested by Don Maines at

the last meeting to have the "Parks Board" consider naming the north side of the canal after Lucia Rodrigo. He also wanted them to consider equestrian signage along the trail that would stress equestrian safety and the Florida Statutes that pertain to equestrian activities. Town Council voiced their support for this idea.

Mayor Nelson wondered if there were other remedies that might be available which the Broward County Traffic Division should consider and might recommend regarding the concerns raised by Council Member Jablonski concerning the portion of Griffin Road that tapers from four lanes to two between 199<sup>th</sup> Avenue and 205<sup>th</sup> Avenue. He spoke about his initial discussions with a board member of the South Florida Water Management District regarding guardrails along Griffin Road.

Vice Mayor Fisikelli felt that once the resolution on the guardrails was approved, it should be presented to the South Florida Water Management District at their board meeting. He spoke about piles of fill, and the need to complete the improvements at Country Estates Park. Discussion ensued about what improvements needed to be complete. The consensus of the Town Council was to create a project list and pictures depicting the park's current status and an estimate as to what it would cost to complete the park.

## **6. Legal Comments**

None provided at this time.

Mayor Nelson requested if there were any updates on the Motion for Summary Judgement in the case against Pembroke Pines. Assistant Town Attorney DeWitt indicated there were no updates at this time.

## **7. Administration Comments**

Town Administrator Berns indicated he was glad to be back. He provided an update on the Town Attorney's and staff's efforts on securing guardrails for Griffin Road.

## **8. Resolution – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENDORSING THE BROWARD COUNTY CHIEFS OF POLICE ASSOCIATION COMMITTEE REPORT AND RECOMMENDATION REGARDING THE DOMESTIC VIOLENCE INJUNCTION PROCESS; ENCOURAGING STAKEHOLDERS TO PARTICPATE IN IMPLEMENTING THE RECOMMENDATIONS OF THE BROWARD COUNTY CHIEFS OF POLICE COMMITTEE; AUTHORIZING THE TOWN ADMINISTRATOR TO TRANSMIT THIS RESOLUTION TO THE NECESSARY AGENCIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

The following motion was made by Council Member McKay, seconded by Council Member Breitkreuz and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

Town Financial Administrator Martin Sherwood displayed a PowerPoint presentation on the Town's current financial position and the need to approve the following resolutions.

9. **Resolution** – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2016; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION WHICH SETS THE MAXIMUM MILLAGE RATE OF 4.3354 (3.9404 – Millage) + (.3950 – TSDOR).

10. **Resolution** – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

11. **Resolution** – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PRELIMINARY FIRE SERVICES ASSESSMENT RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; INCORPORATING THE FIRE PROTECTION ASSESSMENT REPORT; PROVIDING FOR LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT AND FAIR

APPORTIONMENT; ESTABLISHING THE RATE OF ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR A DISABLED VETERANS EXEMPTION; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION

**12. Approval of Minutes**

**a. June 25, 2015, Regular Town Council Meeting**

The following motion was made by Council Member McKay, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, McKay, Vice Mayor Fisikelli, and Mayor Nelson voting Yes.

**MOTION:** TO APPROVE THE MINUTES.

**13. Appointments**

**a. Comprehensive Planning Advisory Board – Mayor Nelson**

No appointment was made at this time.

**14. Adjournment – Meeting was adjourned at 8:10 p.m.**

*Respectfully submitted:*

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*Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on  
this 27<sup>th</sup> day of August, 2015.*

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*Jeff Nelson, Mayor*

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**RESOLUTION NO. 2015 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT OF PURCHASE AND SALE OF LAND FROM FLORIDA POWER AND LIGHT COMPANY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PUBLIC RIGHT-OF-WAY; APPROVING THE GRANTING OF AN ELECTRICAL UTILITY EASEMENT TO FLORIDA POWER AND LIGHT COMPANY OVER THE LAND; APPROVING A RIGHT OF WAY CONSENT AGREEMENT; APPROVING AN UNANTICIPATED EXPENDITURE NOT TO EXCEED \$12,756.60; APPROVING A FY 2014/2015 BUDGETARY APPROPRIATION FROM THE GENERAL FUND AND TRANSPORTATION FUND; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town is in need of acquiring fee simple title to a strip of land approximately 30 feet wide by 945 feet long, located along 190<sup>th</sup> Avenue between Griffin Road and SW 49<sup>th</sup> Street (hereinafter referred to as the "Land"), for the purpose of constructing and maintaining a public right-of-way and said Land is currently owned by Florida Power and Light Company ("FPL"); and

**WHEREAS**, FPL has agreed to sell the Land to the Town for the Purchase Price of \$12,756.60, in accordance with the terms and conditions set forth in the Agreement of Purchase and Sale ("PSA"), a copy of which is attached hereto and made a part hereof and marked as Exhibit "A"; and

**WHEREAS**, FPL has determined that as a condition of the sale of the Land to the Town, the Town must grant a utility easement over the Land to FPL and that the Town shall also enter into a Right of Way Consent Agreement, which said documents are attached to the PSA as Exhibits "C" and "D", respectively; and

**WHEREAS**, Town Staff has determined that it is in the best interest of the Town to (i) purchase the Land; (ii) grant an easement in favor of FPL ("Easement"); and (iii) enter into the Right of Way Consent Agreement ("ROW Consent Agreement"); and

**WHEREAS**, this purchase is unfunded in the current fiscal year 2014-2015 budget, and the Town desires to provide funds for this project from its General Fund and its Transportation Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**SECTION 1. ADOPTION OF RECITALS.** The foregoing recitals are true and correct, and are incorporated herein by reference.



**SECTION 2.** The Town Council hereby approves the purchase of the Land in accordance with the terms and conditions of the PSA, in substantial form as attached hereto as Exhibit "A".

**SECTION 3.** The Mayor or Vice Mayor and the Town Administrator, as attested by the Town Clerk and approved as to legal form and correctness by the Town Attorney, are hereby authorized and directed to enter into the PSA with FPL, in substantially the form attached hereto as Exhibit "A", with such changes, insertions and omissions as may be approved by the Mayor or Vice Mayor, the execution thereof being conclusive evidence of such approval.

**SECTION 4.** The Town Council hereby further approves the Easement and ROW Consent Agreement.

**SECTION 5.** The Mayor or Vice Mayor and the Town Administrator, as attested by the Town Clerk and approved as to legal form and correctness by the Town Attorney, are hereby authorized and directed to execute and deliver any and all documents as may be required in connection with effecting the foregoing transactions, including but not limited to an Agreement for Purchase and Sale; the Easement, ROW Consent Agreement; affidavits; closing and/or settlement statements, as well as any other documents required to further effectuate the intent of this Resolution.

**SECTION 6.** In accordance with the Town's Charter, the budget adopted in Ordinance 2014-006 is hereby amended by increasing the General Fund and Transportation Fund; Reappropriated Fund Balance (001-0000-399-39900), and transfer from the General Fund (101-0000-381-38101) revenue accounts, respectively by \$12,756.60 and increasing the General Fund and Transportation Fund; transfer to the Transportation Fund (001-3900-581-91101) and Land-ROW Easement (101-5100-541-61100) expenditure accounts, respectively by \$12,756.60.

**SECTION 7. SAVINGS CLAUSE.** If any section, paragraph, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unenforceable, such decision shall not affect the validity of the remaining sections, paragraphs, sentences, clauses or phrase of this Resolution.

**SECTION 8. CONFLICTS.** All resolutions or parts thereof which conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 9. EFFECTIVE DATE.** This Resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida,  
this \_\_\_\_ day of August, 2015, on a motion by Council Member \_\_\_\_\_,  
and seconded by Council Member \_\_\_\_\_.

Nelson \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
McKay \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jeff Nelson, Mayor

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to legal Form and Correctness

\_\_\_\_\_  
Keith M. Poliakoff, Esq., Town Attorney

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